

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

**NPDES PERMIT NO. PAI139601 A-1**

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.,

**Pennsylvania Department of Transportation (PennDOT)**  
400 North Street  
Harrisburg, PA 17120

is authorized to discharge from its statewide regulated small municipal separate storm sewer system (MS4) to surface waters of the Commonwealth in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

**THIS PERMIT SHALL BECOME EFFECTIVE ON NOVEMBER 1, 2021**

**THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON OCTOBER 31, 2026**

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

1. The permittee shall comply with the effluent limitations 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 the terms, conditions or effluent limitations of 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 must be submitted to the Department of Environmental Protection (DEP) at least 180 days prior to the 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 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))
5. By \_\_\_\_\_, the permittee shall achieve pollutant load reductions for sediment, Total Phosphorus (TP), and Total Nitrogen (TN) from highway or highway maintenance facility stormwater runoff to nutrient and sediment impaired waters as specified in Part C II.

Date Permit Issued: October 29, 2021

Issued By: \_\_\_\_\_

Sean M. Furjanic, P.E.  
Environmental Program Manager  
Division of NPDES Permitting

Date Permit Amended: \_\_\_\_\_

## PART A

### EFFLUENT LIMITATIONS, REPORTING AND RECORDKEEPING REQUIREMENTS

#### I. EFFLUENT LIMITATIONS

- A. This permit establishes effluent limitations in the form of a Pollutant Reduction Plan that requires a percentage of the pollutants (sediment, TP, TN) to be reduced from the existing pollutant load to the maximum extent practicable. In addition, the permittee shall implement a Stormwater Management Program (SWMP), as specified in Part C I of this permit, to reduce the discharge of pollutants from the regulated small MS4 to the maximum extent practicable.
- B. All discharges from regulated small 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.
- C. Authorized Discharges.

This permit authorizes stormwater discharges to surface waters of the Commonwealth from the permittee's regulated small MS4. In addition, the following non-stormwater discharges are authorized by this permit as long as such discharges have not been identified as significantly contributing to pollution as defined in Pennsylvania's Clean Streams Law (35 P.S. § 691.1):

1. Discharges or flows from firefighting activities.
2. 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.
3. Non-contaminated irrigation water.
4. Water from lawn maintenance.
5. Flows from riparian habitats and wetlands.
6. Diverted stream flows.
7. Springs.
8. Uncontaminated ground water.
9. Water from foundation and footing drains.
10. Water from crawl space pumps.
11. Air conditioning condensation.
12. Individual residential car washing where cleaning agents are not used.
13. Routine external building wash down which does not use detergents or other compounds.
14. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used.

#### 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, buildings, or other impervious surfaces.

**Combined Sewer System** means a sewer system that has been designed to serve as both a sanitary sewer and a storm sewer.

**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)

**Existing Permittee** means any entity that has been designated as a regulated small MS4 and has previously obtained permit coverage under the PAG-13 Permit or obtained an Individual NPDES MS4 Permit.

**Illicit Connection** means any physical connection to a municipal separate storm sewer system that can convey 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 authorized non-stormwater discharges.

**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 Pennsylvania's Integrated Water Quality Monitoring and Assessment Report.

**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)

**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)

**Non-Municipal Permittee** means a regulated small MS4 that is not a municipality, e.g., military bases, large hospital or prison complexes, and highways and other thoroughfares.

**Non-Structural BMPs** means actions that involve management and source controls such as: (1) policies and ordinances that provide requirements and standards to direct growth to identified areas, promote redevelopment, protect areas such as wetlands and riparian areas, maintain and/or increase open space, provide buffers along water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; (2) education programs for developers and the public about minimizing water quality impacts; and (3) measures such as minimizing the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, street sweeping, and source control measures such as good housekeeping, maintenance, and spill prevention.

**Observation point** means a location upstream of an outfall where a permittee must conduct dry weather screening except as noted in Part C I.B.3.d of this permit if the permittee determines that screening at an outfall is infeasible, or the point at which stormwater discharges to storm sewers owned or operated by the municipality where dry weather screening must be conducted.

**Ordinance** means a law enacted by the government of a municipality.

**Outfall** means a point source as defined by 40 CFR § 122.2 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 operator of a regulated small MS4 authorized to discharge under the terms of this permit.

**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)

**Pollutant Reduction Plan (PRP)** means a planning document prepared by the permittee which guides the selection and implementation of specific BMPs to reduce pollutant loading to surface waters.

**Qualifying Development or Redevelopment Project** means an earth disturbance activity that requires an NPDES permit for stormwater discharges associated with construction activity per 25 Pa. Code Chapter 102.

**Regulated Small MS4** means any small MS4 that is covered by the federal Phase II stormwater program, either through automatic nationwide designation under 40 CFR § 122.32(a)(1) (via the Urbanized Area criteria) or by designation on a case-by-case basis pursuant to 40 CFR § 122.32(a)(2). “Regulated small MS4s” are a subset of “small MS4s” as defined in this section.

**Riparian Forest Buffer** means an area of permanent vegetation consisting of native trees, shrubs, forbs and grasses along surface water that is maintained in a natural state or sustainably managed to protect and enhance water quality, stabilize stream channels and banks, and buffer land use activities from surface waters.

**Small Municipal Separate Storm Sewer System (Small MS4)** means an MS4, as defined in this section, that is not a large or medium MS4 pursuant to 40 CFR § 122.26(b)(4) and 122.26(b)(7). The term small MS4 includes

systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings. (25 Pa. Code § 92a.32(a) and 40 CFR § 122.26(b)(16))

*Standard Operating Procedure (SOP)* means a policy or set of procedures that are adopted by a non-municipal permittee to implement a stormwater management program.

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

*Stormwater* means runoff from precipitation, snow melt runoff and surface runoff and drainage. “Stormwater” has the same meaning as “storm water.” (25 Pa. Code § 92a.2)

*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; and infiltration practices such as infiltration basins and infiltration trenches.

*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 wasteload 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)

*Urbanized Area (UA)* means land area comprising one or more places (central place(s)) and the adjacent densely settled surrounding area (urban fringe) that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile, as defined by the United States Bureau of the Census and as determined by the 2010 census. The UA outlines the extent of automatically regulated areas.

*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)

### **III. MONITORING, REPORTING AND RECORDKEEPING**

- A. Where samples are collected and analyzed or measurements are taken to comply with this permit, the permittee shall assure:
  1. 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))
  2. Records of monitoring information shall include (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(j)(3)):
    - a. The date, exact place, 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.

3. 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 5 years from the date of the sample measurement, report or application. Such records must be submitted to DEP or EPA upon request or as required for annual reports. The permittee must make records available to the public at reasonable times during regular business hours. All requests from the public for viewing records shall be managed through compliance with the Commonwealth of Pennsylvania's Right To Know Law. (25 Pa. Code § 92a.3(c), 40 CFR §§ 122.34(g)(2) and 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) 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 Requirements

1. The permittee shall submit a complete Annual MS4 Status Report using DEP's annual report template (3800-FM-BCW0491) or equivalent to DEP's Bureau of Clean Water 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, 2022. The first annual report is due by September 30, 2022. The permittee may elect to submit a final progress report under the previous permit to report on activities between July 1, 2021 through the effective date of this permit.
  - 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.
  - c. The permittee shall submit the Annual MS4 Status Report to DEP electronically upon receipt of written notification from DEP.
2. Unanticipated Non-Compliance or Potential Pollution Reporting
  - a. Immediate Reporting - The permittee shall immediately report to the appropriate DEP regional office 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 DEP 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 waters of the Commonwealth 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 the residual substances contained thereon or therein from the ground and from the affected waters of this Commonwealth 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 non-compliance 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))

### 3. Other Non-Compliance

The permittee shall report all instances of non-compliance not reported under paragraph D.2 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.2.b.(ii) of this section. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(l)(7))

### 4. Signatory Requirements

- a. Completed Annual MS4 Status Reports and all other reports, applications, and information submitted to DEP shall be signed and certified by a principal executive officer or ranking elected official. (25 Pa. Code § 92a.22 and 40 CFR § 122.22)
- b. If signed by a person other than identified in paragraph 4.a 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 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 4.a and 4.b, above, must be submitted to DEP prior to or together with any reports, information or NOI to be signed by an authorized representative.

## 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 which 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 any relevant facts in an application or submitted incorrect information in an application or in any report to DEP, 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 small MS4. Notice is only required 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))

#### 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 entity, 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:

- Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, or
- 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 owner or operator only if this permit coverage has been modified

or revoked and reissued, or a minor modification made to identify the new permittee 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 current 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 existing and new permittees 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 existing 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 submit a new application.

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 180 days prior to expiration. (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. STORMWATER MANAGEMENT PROGRAM (SWMP)

A. The permittee must develop, implement, and enforce an SWMP in urbanized areas designed to reduce the discharge of pollutants from the permittee's regulated small MS4 to 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, as described in paragraph B, below. There are six Minimum Control Measures (MCMs), with specific BMPs identified under each MCM, that the SWMP must implement. The permittee shall demonstrate compliance with the permit and the SWMP through the submission of Annual MS4 Status Reports due by September 30 each year.

B. Minimum Control Measures (MCMs)

1. **MCM #1:** Public Education and Outreach on Stormwater Impacts. (25 Pa. Code § 92a.32(a) and 40 CFR § 122.34(b)(1))

The permittee shall implement a public education program to disseminate information to users of state roadways (travelers, general public, employees, contractors, and consultants) about the impacts of stormwater pollution on water bodies and the steps that all parties can take to reduce pollutants in stormwater runoff.

a. **BMP #1:** Review, revise as necessary, and continue to implement and maintain the current written Public Education and Outreach Program (PEOP). The PEOP shall be reviewed within 6 months of the permit effective date and annually thereafter, and revised as needed. Revisions shall be documented in the Annual MS4 Status Report.

The permittee's PEOP shall be designed to achieve measurable improvements in the target audience's understanding of the causes and impacts of stormwater pollution and the steps they can take to prevent it.

b. **BMP #2:** Maintain lists of target audience groups that are present within the areas served by the permittee's regulated small MS4. Audiences include Municipal Planning Organizations (MPOs) and Regional Planning Organizations (RPOs), contractors, consultants, users of rest stops, and employees. The lists shall be reviewed within 3 months of the permit effective date and updated as necessary every year. Revisions shall be documented in the Annual MS4 Status Report.

c. **BMP #3:** Integrate stormwater pollution impact awareness into the environmental events, programs, and partnerships that the permittee participates in, such as the Great American Cleanup of PA held annually from March 1 to May 31, the Adopt-A-Highway program where volunteers pick up litter throughout the year, and PA Cleanways – Keep Pennsylvania Beautiful, where the permittee serves on the Board of Directors. The permittee shall conduct a baseline survey of target audiences before integration begins. Starting with the second Annual MS4 Status Report, the permittee shall report on the efforts done to accomplish this integration. A follow-up survey shall be conducted, and results of the survey shall be included in the fourth Annual MS4 Status Report. Integration efforts shall be adjusted based on DEP staff feedback and survey results.

d. **BMP #4:** The permittee shall develop new material and/or utilize existing educational material regarding the impacts of stormwater pollution on streams and pollution reduction strategies for transportation agencies. The permittee shall develop an additional newsletter, a pamphlet, or booklet, in addition to website content, that includes general stormwater educational information, a general description of the permittee's SWMP, and information about the permittee's stormwater management activities. This publication shall also include references to the permittee's website where detailed information of the permittee's SWMP can be found. The website shall include the most recent permit, copies of the permittee's SWMP and Pollutant Reduction Plan (PRP) documents, a list of the permittee's policies addressing stormwater issues, and links to refer the reader to any additional information relevant to this permit (e.g., DEP and EPA stormwater websites, and any other sources that will be helpful to readers). The website must be reviewed and updated

at least once during each year of permit coverage. The permittee shall distribute stormwater educational materials and/or information to the target audiences at the permittee's District and County Offices and rest areas and through the permittee's website.

- e. **BMP #5:** The permittee shall develop and implement a Construction Stormwater Inspection Training program that provides detailed instruction as to the proper methodology for inspecting highway construction projects for compliance with erosion and sediment control (E&S) plans. The Construction Stormwater Inspection Training program shall be developed no later than six (6) months after the effective date of this permit. Training can be deployed via video, web-based, paper-based or instructor-led methods. Thereafter, for the duration of this permit, the permittee shall do the following.
  - (i) Ensure that its existing construction and compliance staff involved in inspecting E&S best management practices (BMPs) receive the full Construction Stormwater Inspection Training within one (1) year of its development.
  - (ii) Ensure that all newly-hired employees whose work involves such inspections receive the training within the first year of their employment.
  - (iii) Offer the training to all County Conservation District staff statewide at least twice per calendar year.
  - (iv) Measure the impact of the training efforts. Training shall include questions focused on learning outcomes that must be answered successfully by the trainee. The effectiveness of training shall be measured by evaluating the data gathered through the permittee's Stormwater Self-Audit Program.
  - (v) All training sessions shall be documented in writing and reported in each Annual MS4 Status Report. Documentation shall include the date(s) of the training, the names of attendees, the topics covered, the training presenter(s), and a discussion of the effectiveness of the training.

2. **MCM #2:** Public Involvement / Participation. (25 Pa. Code § 92a.32(a) and 40 CFR § 122.34(b)(2))

The permittee shall comply with applicable state public notice requirements when implementing a public involvement / participation program.

- a. **BMP #1:** At least once every two years, the permittee shall issue an MS4 Coordination Letter to the municipal associations to provide information on where they can find information on the permittee's stormwater management activities, to provide a contact for Illicit Discharge Detection and Elimination (IDDE) purposes and to invite interest in collaboration opportunities. The letter should also include information on SWMP and PRP progress. The second Annual MS4 Status Report under this permit shall include a copy of the form letter, a list of the organizations that received the letter, and the mailing or email addresses used to distribute the letter. All Annual MS4 Status Reports shall include a list of municipalities expressing interest to discuss collaboration opportunities, a summary of the contacts with the municipality, and the outcomes.
  - (i) A Coordination Meeting shall be arranged with municipalities which express interest to discuss collaboration opportunities.
  - (ii) Coordination Meetings shall be documented in a database to include participating municipal MS4s, contacts, meeting dates, outcomes, next actions, and due dates. This information shall be summarized in the Annual MS4 Status Reports, which shall also include a copy of the form MS4 Coordination Letter, a list of the organizations that received the letter, and the mailing or email addresses used to distribute the letter.
- b. **BMP #2:** The permittee shall continue implementing its reporting mechanism (hotline or electronic reporting) for stormwater related issues regarding spills, illicit discharges, complaints, etc., for use by the general public and municipal MS4s.

The permittee shall document reports, summarize the complaints received through the reporting mechanism and describe its responses in the Annual MS4 Status Report. Where necessary, the permittee shall provide notification to DEP in accordance with Part A III.D.2 of this permit once the permittee has verified the report.

- c. **BMP #3:** The permittee shall make its PRP available for public review and comment as specified in Part C.II.E.
3. **MCM #3:** Illicit Discharge Detection and Elimination (IDD&E). (25 Pa. Code § 92a.32(a) and 40 CFR § 122.34(b)(3))
  - a. **BMP #1:** Consistent with Chapter 8 of the permittee's Publication 23, the permittee shall continue to implement a written program for the detection, elimination, and prevention of illicit discharges into the permittee's regulated small MS4. The permittee shall implement the following elements as part of its IDD&E program, at a minimum.
    - Procedures for identifying priority areas. These are areas with a higher likelihood of illicit discharges, illicit connections or illegal dumping. Priority areas may include areas with older infrastructure, a concentration of high-risk activities, or past history of water pollution problems.
    - Procedures for screening outfalls and observation points in priority areas.
    - 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 within the regulated MS4 and reporting discharges detected to the municipality.
    - Procedures for program documentation, evaluation and assessment.
    - Procedures for addressing information or complaints received from the public.

The permittee shall report on the progress of implementing these additional elements in each of the Annual MS4 Status Reports. The IDD&E program shall be implemented, evaluated each year, and revised as necessary. The permittee shall submit any proposed change to Chapter 8 of Publication 23 to DEP for approval prior to implementing the change.

- b. **BMP #2:** The permittee shall update map(s) that show land owned by the permittee, Urbanized Area boundaries, the location of all outfalls and 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). The map(s) shall be developed and submitted to DEP during the first year of the permit term. Maps of outfalls and observation points shall be provided to MS4 municipal permittees upon request. The municipal permittee shall also be provided with an MS4 point of contact for the permittee. Maps shall be reviewed annually and revised as necessary. Map revisions (discussed below) shall be submitted to DEP (electronically) as an attachment to the Annual MS4 Status Report.
  - (i) In year 1 of the permit, the permittee will conduct a pilot study to develop a process and establish a schedule for verifying outfalls and observation points. The study will include refined outfall mapping for one municipality in each of the major river basins.
  - (ii) In years 2-5 of the permit, the permittee will continue verification of outfalls and observations points and update mapping per the established schedule as follows. Unless otherwise approved by DEP, 100% of the permittee's roadway areas in the regulated areas of the Chesapeake Bay Watershed will be completed, and 50% of the permittee's roadway areas draining to sediment-impaired waterbodies in the regulated areas of the Delaware River, Ohio River, and Lake Erie basins will be completed by the end of the permit term.

Starting in year 2 of the permit, in the event that new or existing MS4 outfalls or observation points are identified, the permittee shall update its map(s) within 3 months of identification or project completion and identify the updates in the subsequent Annual MS4 Status Report that is submitted to DEP.

- c. **BMP #3:** In conjunction with the map(s) created under BMP #2 (either on the same map or on a different map), the permittee shall develop and maintain map(s), consistent with subsections (i), (ii), and (iii) below, that show the entire storm sewer collection system within the permittee's jurisdiction that are owned or operated by the permittee (including roads, inlets, piping, swales, catch basins, channels, and any other components of the storm sewer collection system). The map(s) shall be developed and submitted to DEP with the second and fourth Annual MS4 Status Reports.
  - (i) In year 1 of the permit, the permittee shall conduct a pilot study to develop a process and establish a schedule for mapping existing storm systems for the interstate highways in regulated areas. The study will include mapping the storm sewer systems for a portion of an interstate highway adjacent to and including an interchange.
  - (ii) In years 2-5 of the permit, unless otherwise approved by DEP, the permittee shall map the storm sewer systems on the interstate highways within regulated areas. The completed maps shall be submitted to DEP as an attachment to the fifth Annual MS4 Status Report.
  - (iii) As part of permittee's design of future projects requiring a permit under 25 Pa. Code Chapter 102, the permittee shall incorporate the as-built storm sewer collection system data within the project limits into its statewide storm sewer mapping. The permittee shall list the roadway sections that have been added to the mapping in the second and fourth Annual MS4 Status Reports.
- d. **BMP #4:** The permittee shall conduct dry weather screenings of its MS4 outfalls and observation points to evaluate the presence of illicit discharges. If any illicit discharges are present, the permittee shall identify the source(s) and notify the discharger to remove or correct any illicit discharges in accordance with Chapter 8 of Publication 23. The permittee shall also respond to reports received from the public or other agencies of suspected or confirmed illicit discharges associated with their regulated storm sewer system and report confirmed illicit discharges in each Annual MS4 Status Report. The permittee shall immediately report to DEP, as well as municipalities downstream, 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.2 of this permit. After two notifications are sent to the discharger, the permittee shall provide all of the information that it has related to the illicit discharge to the municipality and DEP for enforcement action to remove or correct the illicit discharge.

The program shall include dry weather field screening for non-stormwater flows. Outfalls shall be screened where discharges to surface waters (outfalls) are not commingled with municipal MS4 flow. Observation points can be used for screening purposes at the permittee's property line where mapping identifies downstream discharges to municipal MS4 conveyance. The permittee's MS4 website shall contain instructions for municipalities on obtaining information on the permittee's observation points.

- (i) All of the permittee's identified regulated small MS4 outfalls and observation points shall be screened at least once within the 5-year period following issuance of this permit.
- (ii) 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 pollutants or causes an observed change in the surface waters, and if the discharge is determined to originate within the permittee's property, 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. 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.

- (iii) Each time an outfall is screened, the permittee shall record outfall observations using the MS4 Outfall Field Screening Report form (3800-FM-BCW0521), or equivalent. Reports resulting in a potential illicit discharge 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. Outfalls identified as having an illicit discharge shall be placed on an outfall screening priority list.
- (iv) The permittee shall summarize the results of outfall inspections and actions taken to remove or correct illicit discharges in Annual MS4 Status Reports.
- (v) 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 under BMP #2 of this section.
- (vi) Permittees must ensure that all outfalls are properly maintained in accordance with Publication 113.

e. **BMP #5:** Maintain the guidelines and procedures in Chapter 8 of Publication 23 to implement the permittee’s illicit discharge detection and elimination program. The permittee shall submit any proposed change to Chapter 8 of Publication 23 to DEP for approval prior to implementing the change.

f. **BMP #6:** Provide training on how to detect and eliminate illicit discharges to employees who perform roadway maintenance, conduct construction inspections, and/or inspect outfalls and stormwater control measures. This training shall be developed no later than six (6) months after the effective date of this permit. The training program can be in conjunction with training required for MCM #1, BMP #5. Training can be deployed via video, web-based, paper-based or instructor-led methods. Thereafter, for the duration of this permit, the permittee shall do the following.

- (i) Ensure that existing staff receive this training within one (1) year of its development, and a refresher at least every two years.
- (ii) Ensure that all newly-hired staff receive the training within the first year of their employment.
- (iii) Document all training sessions in writing and report them in each Annual MS4 Status Report. Documentation shall include the date(s) of the training, the names of attendees, the topics covered, and the training presenter(s). The effectiveness of training shall be evaluated at least once during the permit term by a third party and the results provided in the subsequent Annual MS4 Status Report.

4. **MCM #4:** Construction Site Stormwater Runoff Control. (25 Pa. Code § 92a.32(a) and 40 CFR § 122.34(b)(4))

The permittee shall comply with, and ensure its contractors comply with, all applicable construction-related requirements under 25 Pa. Code Chapter 102 for construction activities proposing earth disturbances, including road maintenance activities. Compliance with this MCM will be demonstrated by the receipt of permits under Chapter 102 and inspection reports prepared by the DEP or conservation districts for applicable construction activities.

5. **MCM #5:** Post-Construction Stormwater Management (PCSM) in New Development and Redevelopment. (25 Pa. Code § 92a.32(a) and 40 CFR § 122.34(b)(5))

The permittee shall implement the BMPs identified below.

- a. **BMP #1:** The permittee shall comply with all applicable requirements under 25 Pa. Code Chapter 102 for Post-Construction Stormwater Management (PCSM). Compliance with this BMP will be demonstrated through the development of PCSM Plans and receipt of permits under Chapter 102 for applicable construction activities.
- b. **BMP #2:** Consistent with the permittee's Publication 888, the permittee shall ensure adequate Operation & Maintenance (O&M) of all PCSM BMPs that have been installed as a result of construction projects requiring a Chapter 102 permit. An inventory of PCSM BMPs shall be maintained and shall be continually updated during the term of coverage under the permit as construction projects are reviewed, approved, and constructed. The permittee shall track the following information in its PCSM BMP database:
  - All PCSM BMPs covered by 25 Pa. Code § 102.8.
  - The exact location of the PCSM BMP (e.g., latitude and longitude, mile marker).
  - Information (e.g., name, address, phone number(s)) for BMP owners and entities responsible for BMP O&M, if different from BMP owners.
  - The type of BMP, the year it was installed, required maintenance, and the required inspection frequency.
  - The actual inspection/maintenance activities conducted for each BMP.
  - An assessment by the permittee if proper O&M has occurred since the previous inspection and if not, what actions the permittee has taken, or shall take, to address compliance with O&M requirements.
  - The condition of the BMP at the time of inspection.
  - Municipal MS4 name and contact information, if a party other than the permittee has responsibility for O&M.

The permittee shall submit any proposed change to Publication 888 to DEP for approval prior to implementing the change.

6. **MCM #6:** Pollution Prevention / Good Housekeeping. (25 Pa. Code § 92a.32(a) and 40 CFR § 122.34(b)(6))

The permittee shall continue to implement and update as needed its Environmental Management System (EMS) that was developed and implemented during the previous permit term. All related policies and procedures are contained in Publication 752, *Strategic Environmental Management Program (SEMP) Manual*. The SEMP EMS focus areas relevant to this permit include stockpile and garage management, winter services, and stormwater system maintenance operations (collectively, "operations"). The program shall continue to include employee training to prevent and reduce stormwater pollution from activities at these facilities.

- a. **BMP #1:** The permittee shall review and update each year the list of operations (facilities and associated activities) conducted by the permittee or its contractors that have the potential for generating pollution in stormwater runoff to the regulated small MS4. The types of facilities shall include:
  - Maintenance and storage yards (stockpiles).
  - Fleet or maintenance shops (garages).
  - Parking lots and other large paved surfaces (park-and-rides, rest areas).
- b. **BMP #2:** The permittee shall continue to implement and update as needed its EMS to address each operation that could contribute to the discharge of pollutants from the permittee's regulated small MS4, as identified under BMP #1. The EMS shall stress pollution prevention and good housekeeping measures and include the following:
  - (i) Management practices, policies, and procedures to reduce or prevent the discharge of pollutants to the regulated small MS4s. The permittee shall plan for the elimination of maintenance area

discharges from floor drains and other drains if they have the potential to discharge to storm sewers.

- (ii) Maintenance activities, maintenance schedules, and inspection procedures to reduce the potential for pollutants to reach the regulated small MS4s.
- (iii) Controls for reducing or eliminating the discharge of pollutants from 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.
- (iv) Procedures for the proper disposal of waste, including dredge spoil, accumulated sediments, trash, household hazardous waste, used motor oil, street sweepings, and other debris.
- (v) An internal inspection program to ensure good housekeeping and O&M practices are being implemented throughout the permittee's system specific to each type of facility.

The permittee shall update, as needed, and implement its EMS by the end of the first year of permit coverage and review and update the program each year thereafter.

- c. **BMP #3:** The permittee shall implement the BMPs identified below for all salt storage and distribution sites owned and/or operated by the permittee in the Urbanized Area. The term "salt" is inclusive of solid chemical products stored and utilized for the principal purpose of deicing roadways for public safety (including but not limited to sodium chloride, magnesium chloride, calcium chloride, calcium magnesium acetate, potassium acetate, and mixtures thereof).

- (i) Surface and Cover.
  - (a) The permittee shall store salt stockpiles and conduct loading/unloading activities on an impermeable surface.
  - (b) If salt stockpiles are not covered under permanent, structural cover, salt stockpiles must be covered by materials including but not limited to tarpaulin, polyethylene, polyurethane, polypropylene or hypalon with sufficient strength to prevent tearing. When loading and unloading is not being done, the entire salt stockpile must be covered.
- (ii) Material Management. The following BMPs are applicable if no permanent, structural cover is provided to cover salt stockpiles:
  - (a) Remove covering at the working face just high enough to load out the day's shipment, as applicable. This will minimize moisture absorption and secure the cover if wind direction shifts toward the working face.
  - (b) Maintain the working face perpendicular to the long axis of the pile by loading alternately left/right and right/left.
  - (c) Avoid creating a horseshoe-shaped working face that results from removing the center of the pile and leaving extended edges or aprons.
  - (d) Maintain adequate cover at the lower edge or toe of the working face to permit maximum possible resealing of the edge of the cover when operations are completed for the day. Take care to avoid cover damage caused by cascading salt from the upper section of the working face.
  - (e) Establish and maintain the working face at the downwind end of the salt stockpile whenever operationally feasible.
  - (f) Clean up material spills from loading/unloading areas at the end of the work weather event.
- (iii) Stormwater Management

- (a) If stormwater collection ponds or basins are installed and utilized as secondary containment to capture stormwater that may have come in to contact with salt materials, such ponds shall contain a synthetic liner and be managed to limit discharges to only those times when surface water flows are elevated. This shall not apply to ponds and basins that were not originally installed for the purpose of acting as secondary containment.
- (b) The permittee shall recycle collected stormwater that may have come into contact with salt materials when determined by the permittee to be feasible.
- (c) The permittee shall develop and maintain an inventory of salt storage and distribution sites it owns and/or operates and shall make the inventory available for review by DEP upon request.
- d. **BMP #4:** Develop and implement an employee training program that addresses preventing or reducing the discharge of pollutants from facilities and operations to the regulated small MS4. The program may be developed and implemented using guidance and training materials that are available from federal, state or local agencies, or other organizations. Training topics shall include operation, inspection, maintenance and repair activities associated with any of the operations identified under BMP #1. Thereafter, for the duration of the permit, the permittee shall do the following:
  - (i) Ensure that its existing maintenance facility and stockpile staff receive this training within one year of its development, and a refresher at least every two years.
  - (ii) Ensure that all newly-hired maintenance facility and stockpile staff receive the training within the first year of their employment.
  - (iii) Document all training sessions in writing and report them in each Annual MS4 Status Report. Documentation shall include the date of the training, the names of attendees, the topics covered, and the training presenter(s).
- e. **BMP #5:** The permittee shall continue to implement and update as needed its EMS to address stormwater system maintenance operations that could contribute to the discharge of pollutants from the permittee's regulated small MS4 in accordance with Publications 113 and 752.

## II. POLLUTANT REDUCTION PLANS

- A. The permittee shall develop PRPs for the following watersheds, excluding areas served by combined sewer systems. The PRPs shall be developed for discharges from the permittee's highway stormwater runoff to surface waters impaired as a result of sediment/siltation and/or nutrients and shall be submitted to DEP for approval no later than one year following the effective date of the permit. The PRPs shall be submitted with an application for a major amendment to the permit using DEP's Form No. 3800-PM-BCW0027b. The pollutant reductions specified below shall be achieved no later than 5 years following DEP's approval of PRPs unless otherwise authorized by DEP.
  1. Chesapeake Bay Watershed – The permittee shall reduce existing pollutant loads by 10%, 5.0%, and 3.0% for sediment, Total Phosphorus (TP), and Total Nitrogen (TN), respectively within the Planning Area. The Planning Area is all permittee-owned property located in Urbanized Areas within the Chesapeake Bay Watershed.
  2. Ohio River Watershed – The permittee shall reduce existing pollutant loads by 5.0% and 2.5% for sediment and TP, respectively, within the Planning Area. The Planning Area is permittee-owned property located in Urbanized Areas within the Ohio River Watershed that drains to surface waters impaired for sediment/siltation and/or nutrients.

3. Delaware River Watershed – The permittee shall reduce existing pollutant loads by 5.0% and 2.5% for sediment and TP, respectively from the Planning Area. The Planning Area is permittee-owned property in Urbanized Areas within the Delaware River Watershed that drains to surface waters impaired for sediment/siltation and/or nutrients.
4. Lake Erie Watershed – The permittee shall reduce existing pollutant loads by 5.0% and 2.5% for sediment and TP, respectively from the Planning Area. The Planning Area is permittee-owned property in Urbanized Areas within the Lake Erie Watershed that drains to surface waters impaired for sediment/siltation and/or nutrients.

The permittee may assume that the reduction objectives for TP and TN are achieved when sediment reductions are achieved.

- B. For each PRP, the permittee shall provide a calculation of existing sediment, TP, and TN loads in the respective Planning Area watershed and identify the required load reductions for each pollutant. For the Chesapeake Bay Watershed, BMPs may be located anywhere in the Urbanized Area but shall be preferentially located in the drainage area of locally-impaired waters. In the other watersheds, BMPs may be located anywhere in the impaired water drainage area within each Planning Area. If a BMP is located off permittee-owned property, the existing load from the drainage area to the BMP shall be added to the Planning Area's existing load with the exception of stream restoration projects.

Each PRP shall identify BMPs that will accomplish the required load reductions, with calculations demonstrating BMP reductions based on DEP's BMP Effectiveness Values document (3800-PM-BCW0100m) or published Chesapeake Bay Program Office expert panel reports. The PRPs shall identify BMPs that have been implemented or are planned for implementation jointly with municipalities. Joint BMPs shall be documented with a fully executed municipal agreement between the permittee and the municipality. The permittee may also propose BMPs that will be completed independently. The PRP shall be developed consistent with DEP's PRP Instructions (3800-PM-BCW0100k).

PRPs may propose urban or agricultural stormwater BMPs located outside the Urbanized Area subject to DEP approval.

- C. In each of the PRPs submitted to DEP, the permittee shall include all planned, in-progress, and completed projects that will be used to comply with the reduction requirements in Part C II.A. In the event the permittee decides to modify the location, type, or number of proposed BMPs, the permittee shall submit an update to its PRP(s) to DEP prior to implementing the changes. A modified PRP may be implemented upon submission to DEP unless DEP issues an objection in writing within 60 days.
- D. The permittee shall submit a Final Report documenting the BMPs installed and pollutant load reductions achieved as an attachment to the Annual MS4 Status Report that is due following the fifth year of the permit term.
- E. The permittee shall solicit public involvement and participation in the development of PRPs, as follows:
  1. The permittee shall publish notice of the initial draft PRPs in the *Pennsylvania Bulletin* and provide a 30-day public comment period. In the notice, the permittee shall refer the public to its website to review the draft PRPs. Following DEP approval of the PRPs, the permittee shall notify the public of any proposed changes to its PRPs through its website. The permittee shall include a copy of public comments received and the permittee's record of consideration of the comments with the PRPs that are submitted to DEP for review.
  2. The permittee shall make a complete copy of each draft, final, and revised PRP available for public review on its website and maintain the PRPs on its website for the duration of permit coverage. In addition, the permittee shall notify each municipality affected by the PRPs, including revisions thereto, in writing at least 30 days prior to submission to DEP.
  3. In the event the permittee decides to modify the location, type or number of proposed BMPs, the permittee shall submit an update to its PRPs to DEP prior to implementing the changes. Prior to submitting a revised PRP to DEP, the permittee shall identify the revision(s) on its website and provide

a 30-day period for the acceptance of public comments. The permittee shall include a copy of public comments received and the permittee's record of consideration of the comments with the revised PRPs that are submitted to DEP.

- F. The permittee shall provide updates to DEP on its progress with implementing the PRPs through Annual MS4 Status Reports.

### **III. OTHER REQUIREMENTS**

- A. Screenings and other solids collected by the permittee shall be handled, recycled, and/or disposed of in compliance with the Solid Waste Management Act (35 P.S. §§ 6018.101 – 6018.1003), 25 Pa. Code Chapters 287, 288, 289, 291, 295, 297, and 299 (relating to requirements for landfilling, impoundments, land application, composting, processing, and storage of residual waste), federal regulation 40 CFR Part 257, The Clean Streams Law, and the Federal Clean Water Act and its amendments.
- B. DEP may require monitoring of stormwater discharge(s) to address specific pollution events as may be reasonably necessary in order to characterize the nature, volume, or other attributes of that discharge or its sources.
- C. The permittee shall ensure that its SWMP is designed to prevent increased loadings of pollutants and to not cause or contribute to a violation of water quality standards by any discharge from its regulated small MS4.
- D. To the extent authorized by statute, the permittee shall develop and maintain adequate legal authorities, where applicable, and shall maintain adequate funding and staffing to implement this permit, including the SWMP contained in Part C.I of this permit.
- E. In accordance with 40 CFR § 122.35, the permittee may rely on another entity to satisfy NPDES permit obligations to implement a minimum control measure if: (1) the other entity, in fact, implements the control measure; (2) the particular control measure, or component thereof, is at least as stringent as the corresponding NPDES permit requirement; and (3) the other entity agrees to implement the control measure on the permittee's behalf. The permittee must specify in Annual MS4 Status Reports that it is relying on another entity to satisfy some of its NPDES permit obligations. The permittee remains responsible for compliance with permit obligations if the other entity fails to implement the control measure (or component thereof).