

## Upcoming Municipal Stormwater Permit Changes

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### Municipal Stormwater Regulations Ratchet Up

Given that Pennsylvania's requirement to make a specified amount of progress toward improving water quality in the Susquehanna River is lagging behind schedule, new initiatives are being implemented to "get Pennsylvania back on track." This Planning Perspectives will update York County municipalities with regard to the urban stormwater sector changes recently issued by PA DEP.

Due to the wide diversity in municipal characteristics across York County, the language in this newsletter may be "old hat," somewhat familiar, or complete "gibberish." However, all York County municipalities should certainly understand that (1) municipal stormwater regulations are here to stay, (2) they are growing in number and complexity, and (3) more municipalities are being required to take regulatory action.



### MS4 Designations

Municipal MS4 designations are based upon the Urbanized Areas (UA) identified by the US Census. Additionally, PA DEP can identify a municipality located outside a UA as needing an MS4 Permit. Thus, just because your municipality is in a rural area does not guarantee that it will escape regulatory requirements in the future.

Current Permit: During the current Municipal Separate Storm Sewer (MS4) Permit cycle, which was based on the 2000 Census UA, **43** York County MS4s were required to take action (spend money) to meet the MS4 Permit regulations.

2018 Permit: The next MS4 Permit cycle is based on the 2010 Census UA and will become effective March of 2018. **50** York County MS4s will need to take action to address the updated Permit regulations.

### General MS4 Permit Changes

Some of the important changes to the Permit are highlighted below:

- The 2018 MS4 General Permit (GP) will eliminate several best management practices (BMPs) from



the Minimum Control Measures, thereby simplifying the Stormwater Program required under the Permit.

- To assist permittees in understanding obligations under the 2018 GP, PA DEP has developed a document titled, "Summary of Scheduled Requirements." This table lists specific Permit requirements for each MS4 designated municipality.
- Authorized non-stormwater discharges have been modified in the new Permit, which will necessitate that all permitted municipalities update their Stormwater Ordinance to reflect the revisions.
- A Notice of Intent (NOI) must be submitted by September 16, 2017, and must include any required Pollutant Reduction Plans (PRPs).
- After Permit issuance, the required Annual MS4 Status Report will serve as the NOI for continued coverage. This will eliminate the need to submit the NOI every five (5) years. However, a \$500 fee must accompany the Annual Report due by September 30th of each year.



## Pollutant Reduction Plan Changes

Significant changes have been made to the Pollutant Reduction Plan (PRP) requirements. The changes will not only increase the cost to prepare the Plans, but also the cost to implement them.

Current Permit: The current Permit required that a Chesapeake Bay Pollutant Reduction Plan (CBPRP) be submitted within one (1) year of Permit issuance. The stormwater BMP projects listed in the Plan could be located anywhere in the UA and implemented over several cycles. With regard to

implementation, municipalities are only required to demonstrate that "incremental progress" is being made to reduce pollutants.

2018 Permit: In comparison to the current Permit, the new requirements are much more stringent. Noteworthy changes are listed below.



- In addition to preparing/implementing a Pollutant Reduction Plan (PRP) for the Chesapeake Bay, a PRP is required for each stream the municipal storm sewer system discharges to that is impaired due to sediments or nutrients.
- Each PRP must calculate existing pollutant loads contributed by the MS4 and identify specific BMPs that will reduce the existing loads by a specified amount of pollutants (10% sediment, 5% phosphorous, 3% nitrogen).
- The BMPs identified in the PRPs must be constructed by the end of the five (5) year Permit cycle (March of 2023) to accomplish the required pollutant reductions.
- Mapping of the MS4 "storm sewershed" must be done on an outfall by outfall basis to delineate the municipality's area of responsibility. It is important to note that the urbanized area boundary will no longer be the limit of the MS4's area of responsibility. Proposed BMP projects to meet the pollutant reductions must be located in a storm sewershed shown on the mapping.
- A public participation process, including a comment period and public meeting, is required for the PRP. Documentation of the process and proof that all submitted comments were considered must be included in the Plans.
- The PRPs must be submitted with the NOI by September 16, 2017.

## Pollutant Control Measures

In addition to the PRPs required to address streams impaired by sediment and/or nutrients, additional requirements, identified as Pollutant Control Measures (PCMs), are set forth for streams impaired by pollutants other than sediment and nutrients. Identification and mapping of potential pollutant sources will be a significant portion of the PCMs. Also, BMPs implemented to control the sources of the pollutants must be documented. This information is not required to be submitted with the NOI. Specific submission dates are listed in the regulations.



## Waivers

Waivers of MS4 General Permit obligations will be a possibility for the 2018 Permit. Waiver requirements are clearly identified and it is important that permittees understand that not all waiver requests will be approved. New for the 2018 Permit cycle is that municipalities may seek “advanced written approval” of a waiver from PA DEPs Central Office. Such requests must be submitted by December 31, 2016. Taking

advantage of this option will prevent municipalities that receive advanced written approval for a waiver from spending unnecessary resources on development of PRPs. Likewise, it will allow municipalities that do not receive advanced approval enough time to complete PRPs required for submission with their NOI. Nevertheless, municipalities that do receive advanced approval for a waiver will still need to submit an NOI and Waiver Application, with advanced approval letter attached, by the September 16, 2017, deadline.

## What to Take Away

The changes for the next MS4 permit cycle are now official and public (see website link below). In order to be issued the Permit in March of 2018, municipalities need to read the regulations and make decisions now in order to be prepared not only to submit their NOI and PRPs, if applicable, by September 16, 2017, but also to maintain compliance with their new MS4 Permit thereafter.

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DEP MS4 Permit Website...

<http://www.dep.pa.gov/Business/Water/PointNonPointMgmt/StormwaterMgmt/Stormwater/Pages/default.aspx#change>

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