



GILMORE & ASSOCIATES, INC.

ENGINEERING & CONSULTING SERVICES

August 31, 2015

VIA eCOMMENT

The Department of Environmental Protection
Bureau of Point and Non-Point Source Management
Rachel Carson State Office Building
P.O. Box 8774
Harrisburg, PA 17105-8774

Reference: DRAFT PAG-13 NPDES General Permit for Discharges from Small MS4s
Public Comments
Perkasie Borough (PAG 130139), Bucks County

To Whom It May Concern:

On behalf of Perkasie Borough, Gilmore & Associates, Inc. has reviewed the Draft PAG-13 NPDES General Permit for Discharges from Small MS4s and offers the following comments:

DRAFT MS4 REQUIREMENTS TABLE

How was the 5-mile buffer determined? This seems excessive, arbitrary and is not acceptable unless DEP can offer scientific and hydrologic justification for this distance. The only streams that should “count” are those within the MS4 municipal boundary or to which a regulated outfall of the MS4 directly discharges to. Also, how is this justifiable when any of the streams between the MS4 and the impaired stream within this 5-mile buffer are not impaired?

NOI INSTRUCTIONS

Page 2 – Permit is for existing outfalls; new outfalls require DEP notification. Note that for municipalities, a majority of new outfalls most likely occurs when roads are accepted for dedication. The 180-day before time frame does not work in this scenario, as a municipality has no way to know when dedication will occur. What is “written Notification to DEP” – an NOI?

Page 7 - Requires downstream-most outfall to be numbered according to a DEP system. Note that most MS4s have located and provided identifiers to Outfalls (with a numbering system) on MS4 maps and in GIS systems years ago, and that nos. 001-100 have all been used as ID numbers on other structures. Why is DEP dictating this, and why now? Clarify what is meant by “each surface water body” in each MS4 – every unnamed tributary, every named waterway, or only where a waterway exits the MS4/UA, etc.? Some streams have many tributaries/branches...should the farthest downstream outfall to each and every one be called out?

NOI

Page 6 at bottom regarding Model Ordinance, Why doesn't adoption of an Act 167 Ordinance from 2005 or later satisfy this requirement the way it has up to now? The questions seem pointless:

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“Has a Stormwater Management Ordinance been enacted that is consistent with the 2013 DEP Model Ordinance?” Is “yes” checked if an Act 167 Ordinance has been enacted?

“Is the municipality subject to an approved Act 167 Plan approved by DEP in 2005 or later?” This doesn’t seem to matter. Why not just ask what is the current stormwater ordinance?

The latest Model Ordinance (DRAFT) is 2015. Is this what MS4s need to be consistent with? Is the checklist based on this Ordinance?

How will the Ordinance work with the “no NOI” / extended via submission of Annual Report concept; does DEP expect to revise the 2015 Model Ordinance at some point, and will that then trigger the need for an NOI?

Applicant’s Checklist for NOI

Is an MOU with CCD required from all MS4s? If CCD is responsible for inspections for NDPES permits, why is an MOU required? If CCD does what is required by law, why is an MOU required? If an MS4 performs regular inspections of active construction sites and the CCD continues to do what is required by law, then an MOU seems unnecessary. If an MS4 wants to depend on CCD for inspections, then a checkbox indicating this should be added and only then should an MOU be required.

PERMIT APPENDIX B

What does “discharges ... indirectly” mean? This is vague and open-ended. Where is justification for this?

How does MS4 develop an inventory of suspected and known sources of bacteria? What are sources? Note that wild and domestic animal waste = fecal coliform AKA bacteria, and there is no way to track or remove this. Is DEP looking for locations where all domestic animals and/or livestock are housed? Is DEP looking for locations of all on-site septic systems in the watershed? Note that MS4 likely does not have this information, nor whether these systems are functioning. What is basis of determination for “suspected”? What is basis of determination for “known”? What if the MS4 has no suspected or known sources of bacteria?

PERMIT APPENDIX C

States “...in stormwater within the drainage area of outfall discharging to impaired waters.” What if impaired waters are two streams away from outfall; what if nonimpaired streams are between, etc.? Defaulting to the 5 miles?

How does MS4 develop an inventory of suspected and known sources of Priority Organic Compounds? Note that 99.99% of all property owners use pesticides / herbicides; does that default to every property in watershed is “suspect”? What is basis of determination for “suspected”? What is basis of determination for “known”? Where might this information be obtained? What if the MS4 has no suspected or known sources?

PERMIT APPENDIX E

“..with at least one direct or indirect stormwater discharge to receiving waters considered impaired for nutrient and /or sediment...” – does this include passing through other unimpaired / impaired streams to get to impaired streams?

How will pollution reductions achieved under these PRPs be accounted for in TMDL's that are currently being prepared?

PAG-13 FACT SHEET

"Authorized Stormwater Discharges" – pg 4 "DEP proposes to also add clarification concerning GP coverage for [outfalls]. ...DEP is authorizing stormwater discharges from all outfalls identified in the NOI." Note, the only outfalls identified in the NOI are the downstream most outfalls to each waterway. What about the rest?

Page 7 regarding PRP, #2 ["if...following criteria are met:"] "At the time of the NOI submission...the permittee has at least one stormwater outfall that discharges to waters impaired for nutrients or sediment and a TDML has not been approved". This seems to contradict the 5-mile approach taken in Draft Table of Requirements.

Page 7 bottom: "A PRP is not required...and permittee is not required to follow Appendix D and/or E if the applicant demonstrates that both of the following apply: no flow to Chesapeake Bay watershed AND no stormwater discharges to locally impaired waters for nutrients and/or sediment." Is this the DEP imposed 5-mile discharge buffer? What does "locally" mean?

PRP INSTRUCTIONS

Bucks County, Montgomery County and Delaware County are not included in ATTACHMENT A – DEVELOPED LAND LOADING RATES FOR PA COUNTIES (FROM CAST).

Please feel free to contact me or Andrea L. Coaxum, Borough Manager, with any questions regarding the enclosed information.

Sincerely,



Douglas C. Rossino, P.E.
Gilmore & Associates, Inc.
Perkasie Borough Engineer

DCR/sb

cc: Andrea L. Coaxum, Manager – Perkasie Borough