

Lebanon County Clean Water Alliance Meeting
North Lebanon Township Office
Wednesday, October 23, 2013
2:00 pm

Minutes

- I. Welcome/Introductions** – Present: Kris Troup, Mike Booth, Steve Sherk, Phylis Dryden, Michael Dryden, Gordon Kirkessner, Sheila Wartluft, Stephanie Harmon, Robin Getz, Cheri Grumbine, Nick Yingst, Leif Rowles, Mike Hickman, Jay Patel, John Brenner, Kerry Rohland, Adam Keiper, Erik Harmon, Tyler Longenecker, Marie Tribioli, Don Umberger

- II. Meeting Minutes** – The minutes from the August 27, 2013 meeting were approved, as distributed. Troup will email the final minutes to LCCWA partners.

- III. DEP Q&A** – A copy of the Q&A discussion with DEP Officials Jay Patel, Michael Hickman and Leif Rowles is included as part of the minutes (see attached).

- IV. Public Education/Outreach** – Troup reported that the poster contest guidelines and a letter explaining the program were sent to the Middle School Principals in late September.

Getz will contact the *Lebanon Daily News* for pricing of another advertising/outreach campaign to assist LCCWA members in meeting their MS4 minimum control measures.

- V. LCCWA MOA** – Troup received several good suggestions to modify the draft Memorandum of Agreement. Unfortunately the County's computer system was down, and he was not able to print copies of the suggested modifications to distribute. He will distribute this document to LCCWA partners via email.

- VI. MS4 Training** – On October 16th the Lancaster Farmland Trust provided a workshop on how agriculture can be a cost-effective, greening solution for MS4s and TMDLs. Several LCCWA partners attended and agreed that this was a very worthwhile training. The suggestion was made to contact F&M College to see if they have a historic legacy sediment map for Lebanon County.

- VII. Other Business** – Steph Harmon reminded everyone that there is still time to register for the Lancaster/Lebanon Watershed Forum to be held on Oct. 26th.

- VIII. Next Meeting** –The group decided that it was important to try to meet again before the holidays. Accordingly, Troup will send a Doodle Survey to schedule the meeting.

- IX.** The meeting adjourned at approximately 3:22 p.m.

LCCWA Questions for DEP Representatives

Question: Is there a timeframe for the issuance of new MS4 permits (PAG-13) for Lebanon County municipalities?

Answer: There is no steadfast deadline. However, we at the SCRO are hoping to have all of the permits issued by mid-2014. Currently, we have issued 8 of the 21 permits in Lebanon County, or roughly 38% of the permits.

Question: What is the deadline for updating stormwater ordinances and Chesapeake Bay Pollutant Reduction Plans? Is it March 9, 2014? Or is it 1 year after the issuance date of the MS4 permits?

Answer: The NOI/Application requires that by the end of the first year of coverage under the new permit (or 1 year after the issuance date of the new permit), you will enact and implement either: a) the MS4 Stormwater Management Ordinance; or, b) an ordinance from an Act 167 Plan approved in 2005 or later; or, c) an ordinance that satisfies all applicable requirements on a completed and signed MS4 Stormwater Management Ordinance Checklist.

The Chesapeake Bay Pollutant Reduction Plans are also due within 12 months of the effective date of your Approval of Coverage (again, 1 year after the issuance date of the new permit).

Question: Will DEP be reviewing and approving updated stormwater ordinances and/or Chesapeake Bay Pollutant Reduction Plans?

Answer: The DEP does not approve stormwater ordinances however we will be reviewing them to ensure that the minimum required content is contained within the ordinance. The DEP will be reviewing and approving Chesapeake Bay Pollutant Reduction Plans.

Question: How important will the local Conservation District's role be in monitoring BMPs, conservation plans, etc...? Will there be other expectations placed on Conservation Districts?

Answer: The permit contains responsibilities for the permit holder, usually a municipality. The Conservation District is responsible only for what is in the MOU between the municipality and the District.

The monitoring of BMPs is the responsibility of the BMP owner per the stormwater management ordinance, with the municipality ensuring that the work is done. The permit in Appendix A – Stormwater Management Program MCM #5 BMP #6 states:

BMP #6: Ensure adequate operation and maintenance of all post-construction stormwater management BMPs installed at all qualifying development or redevelopment projects (including those owned or operated by the permittee).

Measurable Goal: Within the first year of coverage under this permit, new permittees shall develop and implement a written inspection program to ensure that stormwater BMPs are properly operated and maintained. The program shall include sanctions and penalties for non-compliance. All permittees shall review and update the inspection program annually and shall continue to implement this BMP.

Measurable Goal: An inventory of PCSM BMPs shall be developed by permittees and shall be continually updated during the term of coverage under the permit as development projects are reviewed, approved, and constructed. This inventory shall include all PCSM BMPs installed since March 10, 2003 that discharge directly or indirectly to your regulated small MS4s. The inventory also should include PCSM BMPs discharging to the regulated small MS4 system that may cause or contribute to violation of water quality standard. The inventory shall include:

- all PCSM BMPs that were installed to meet requirements in NPDES Permits for Stormwater Discharges Associated with Construction Activities approved since March 10, 2003.
- the exact location of the PCSM BMP (e.g., street address);
- information (e.g., name, address, phone number(s)) for BMP owner and entity responsible for BMP Operation and Maintenance (O&M), if different from BMP owner;
- the type of BMP and the year it was installed;
- maintenance required for the BMP type according to the Pennsylvania Stormwater BMP Manual or other manuals and resources;
- the actual inspection/maintenance activities for each BMP;
- an assessment by the permittee if proper operation and maintenance occurred during the year and if not, what actions the permittee has taken, or shall take, to address compliance with O&M requirements

If the term “conservation plan” is intended to refer to the agricultural plans associated with Chapter 102 permit requirements (not to be confused with the non-regulatory NRCS plan that we cannot review), then the role of the Conservation District would be the same as would for any other Chapter 102 permit.

As a reminder, I would like to point out that if there is any pollution discharging from the MS4, it is the responsibility of the permit holder to actively track the source of the discharge and eliminate the pollution per MCM #3: Illicit Discharge Detection and Elimination (IDD&E).

Question: Are there any new permitting requirements that we should be paying particular attention to?

Answer: The major difference between the old permit and new permit is that there is no longer a "Protocol" but rather the Appendix A – Stormwater Management Program. The Stormwater Management Program is located in the eLibrary (and included with the permit you will be receiving). Appendix A outlines clearly what is expected and when based primarily on whether one is a new or renewal permittee.

There are notable differences in all of the MCMs. For example, there are additional requirements for all of the public outreach and public involvement. The IDD&E requirements have changed. The PCSM MCM #5 includes the language above, requiring the inventory of PCSM BMPs built since March 10, 2003. A thorough review of the permit requirements are recommended of all permit holders.

Question: How will agricultural disturbance areas be handled?

Answer:

Agricultural disturbances are still covered under the Chapter 102 regulations and not authorized or permitted through the MS4 permit. If there are specific questions regarding site/situation specific issues please feel free to call or email them to me so that we can find the appropriate solution.

Question: Talk about the maximum size of a project that is eligible to receive a stormwater exemption (there is a great deal of confusion locally on this topic).

Answer:

Under the DEP model MS4 stormwater ordinance, Section 302 Exemptions states:

A. Regulated activities that result in cumulative earth disturbances less than [one acre maximum] are exempt from the requirements in Section 303 (Volume Controls), Section 304 (Rate Controls), and Article IV (STORMWATER MANAGEMENT (SWM) SITE PLAN REQUIREMENTS) of this ordinance. (NOTE: This follows the Chapter 102 requirements for E and S, and PCSM which the permittee may opt to follow. If the permittee does so then they do not need to meet the requirements of MCM # 4 and BMPs # 1 through # 3 of MCM #5 found in the Appendix A – Stormwater Management Program).

B. Agricultural activity is exempt from the SWM Site Plan preparation requirements of this Ordinance provided the activities are performed according to the requirements of 25 Pa. Code 102.

C. Forest management and timber operations are exempt from the SWM Site Plan preparation requirements of this Ordinance provided the activities are performed according to the requirements of 25 Pa. Code 102.

D. Exemptions from any provisions of this Ordinance shall not relieve the applicant from the requirements in Sections 301.D. through K.

E. The Municipality may deny or revoke any exemption pursuant to this Section at any time for any project that the Municipality believes may pose a threat to public health and safety or the environment.

Question: Would DEP consider a county-wide stormwater review board as an option for hardship cases, where stormwater facilities can't be provided or some other unique circumstances exist?

Answer: Jay Patel will pose this question to Central Office.

Question: Please explain the definition of an outfall

Answer:

From the PAG-13 Authorization to Discharge:

Outfall: A "Point Source" as defined by 40 CFR § 122.2 is the point where an MS4 discharges stormwater to other surface waters of this Commonwealth. This does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream and are used to convey waters of the Commonwealth (40 CFR § 122.26 (b) (9)).

Point Source: As defined by 25 Pa. Code § 92a.2, any 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, concentrated animal feeding operation, vessel or other floating craft, from which pollutants are or may be discharged.

Question: Locally, if we have questions regarding MS4 permits, annual reports, MS4 programs, etc..., whom should we be contacting?

Answer: The points of contact for any MS4 related questions at the SCRO are myself, Mike Hickman, and my supervisor, the Permits Chief for Clean Water at the SCRO, Jay Patel. I am available by phone or email anytime. If there are questions that I am unable to field, then I will work to get answers for you.