pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF CLEAN WATER
NPDES PERMITTING DIVISION

Application Type	**Renewal**	Application No.	**PAI139602**
Facility Type	**MS4**	APS ID	**982371**
Permit Type	**Individual**	Authorization ID	**1254362**

NPDES PERMIT FACT SHEET
MS4s

Applicant and Facility Information

Applicant Name	PA Turnpike Commission	Facility Name	PA Turnpike Statewide MS4
Applicant Address	P. O. Box 67676	Facility Address	P. O. Box 67676
	Harrisburg, PA 17106-7676		Harrisburg, PA 17106-7676
Applicant Contact	Bradley Heigel, Chief Engineer	Facility Contact	Bradley Heigel, Chief Engineer
Applicant Phone	(717) 831-7346	Facility Phone	(717) 831-7346
Client ID	55964	Site ID	760190
SIC Code	488490	Municipality	Harrisburg City
SIC Description	Other Support Activities for Road Transportation	County	Dauphin
Date Application Received	April 13, 2012		
Date Application Accepted	April 13, 2012		
Purpose of Application	Renewal of the Municipal Separate Storm Sewer System (MS4) permit		

Internal Review and Recommendations

On April 13, 2012, DEP received an application to renew the individual NPDES permit for the Pennsylvania Turnpike Commission (PTC) to authorize continuation of stormwater discharges from its small regulated municipal separate storm sewer system (MS4). An individual permit has been historically required for PTC because DEP's General MS4 NPDES Permit (PAG-13) is not well suited to the nature of transportation agency activities such as those conducted by PTC. Despite these unique activities, PTC will be required to satisfy stormwater management responsibilities, which largely parallel those required of municipalities and other MS4 entities.

PTC was designated as an MS4 by EPA because of the potentially significant effect of its stormwater discharges on surface waters. MS4s defined or designated as small regulated MS4s must apply for and obtain NPDES permit coverage as specified at 25 Pa. Code § 92a.32(a) and 40 CFR § 122.26(a)(9)(i)(A), and must comply with permits that satisfy the requirements of 40 CFR § 122.34. The original permit was issued for the period April 28, 2006 through April 28, 2011. It was formally extended for one year which is why the April 2012 application submittal for permit reissuance was timely.

A draft of the renewed permit was issued to PTC on February 2, 2021 and was published in the *Pennsylvania Bulletin* on February 13, 2021 [51 Pa.B. 788]. DEP received a number of public comments and a request for a public hearing. A public hearing was held on July 20, 2021, which was advertised in the *Pennsylvania Bulletin* on June 19, 2021 [51 Pa.B. 3394]. A summary of comments received and DEP's responses are presented in **Attachment A**.

PTC is responsible for over 550 miles of roads. This permit regulates the 220 miles of those roads that are in Urbanized Areas. PTC is therefore a major generator of stormwater from the impervious surfaces of those roads. The Urbanized Areas used for this permit are as defined in the 2010 census generated by the U.S. Census Bureau.

PTC will provide Annual Reports to DEP to document ongoing compliance under this permit.

Approve	Deny	Signatures	Date
X		/s/ Sean Furjanic, P.E., Environmental Program Manager	October 29, 2021

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Individual Permit Requirements

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 do not cause or contribute to pollution as defined in Pennsylvania's Clean Streams Law:

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 (TRC).
3. Non-contaminated Irrigation water.
4. Water from lawn maintenance.
5. Flows from riparian habitats and wetlands.
6. Diverted stream flows.
7. Springs.
8. Non-contaminated groundwater.
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.

The previous permit included dechlorinated swimming pool discharges as an authorized discharge. It was eliminated because of the potentially significant impact of pollutants in pool water in addition to chlorine. This permit also restricts individual residential car washing discharges to those in which cleaning agents are not used. Diverted stream flows has also been added to be consistent with the PAG-13 NPDES General Permit (Stormwater Discharges from Small MS4s) and federal regulations.

Minimum Control Measures

The six required Minimum Control Measures (MCMs) contained in PTC's draft permit have been customized to the unique activities and responsibilities of PTC as has been done throughout the history of PTC's permits and as discussed below. The MCMs include best management practices (BMPs) and constitute the permittee's stormwater management program (SWMP).

As a large organization, PTC has prepared numerous manuals to guide their statewide implementation of construction and stormwater management. These manuals contain information such as stormwater BMP inspection and operation and maintenance (O&M) protocols, inspection frequencies, and many other specifications. Collectively, these documents are considered part of PTC's SWMP. DEP must approve of all changes to these manuals that affect the SWMP prior to implementing the changes. Copies of the PTC SWMP can be found on the PTC website

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(https://www.paturnpike.com/yourTurnpike/clean_water.aspx) and links are provided below. DEP has reviewed and confirmed that the manuals collectively satisfy the applicable requirements of federal regulations at 40 CFR §§ 122.34(b)(1) – (6).

- Illicit Discharge Detection & Elimination (IDD&E) Program Manual
- IDD&E Manual – Appendix A
- IDD&E Manual – Appendix B
- PTC Maintenance Manual
- PTC Foreman's Manual
- PTC Stormwater Control Measure Operations and Maintenance Manual

1. MCM #1: Public Education and Outreach on Stormwater Impacts (40 CFR § 122.34(b)(1))

   The goal of this MCM is to disseminate information to the users of the Pennsylvania Turnpike (customers, general public, employees, and prime contractors with active contracts) about the impacts of stormwater pollution on surface waters, and the steps that all parties can take to reduce pollutants in stormwater runoff. To accomplish this goal, PTC will continue to maintain and implement its Public Education and Outreach Program, maintain lists of target audience groups, integrate stormwater pollution impact awareness into ongoing activities, utilize general stormwater management educational materials, and implement a Stormwater Pollution Impact Awareness Campaign. The PEOP and target audience lists will be reviewed within three months of the permit effective date and annually thereafter.

   Modifications from the previous permit include 1) measuring the volume of educational materials distributed to customers and the general public, and comparing employee and prime contractor pre- and post-training results of quizzes or similar evaluation methods to measure the effectiveness of pollution impact awareness efforts; 2) upgrading PTC's public website; and 3) training employees and active prime contractors on how to control stormwater pollution at construction sites.

2. MCM #2: Public Involvement / Participation (40 CFR § 122.34(b)(2))

   The goal of this MCM is to provide for public involvement in the MS4's stormwater program. PTC will satisfy applicable public notice requirements and will issue MS4 Coordination Letters to municipalities with shared Urbanized Areas which provide information on stormwater management activities and invite interest in collaboration activities. Coordination meetings will be held with municipal officials who express interest. PTC will continue to implement a mechanism in which anyone who has knowledge of an illicit discharge can report it, for investigation by PTC. PTC will also seek public review and comment for its Pollutant Reduction Plans (PRPs) (see below). The previous permit focused on the development and distribution of a public educational brochure.

3. MCM #3: Illicit Discharge Detection and Elimination (IDD&E) (40 CFR § 122.34(b)(3))

   The goal of this MCM is to reduce the discharge of illicit discharges to surface waters. To accomplish this goal PTC will implement its Illicit Discharge Detection and Elimination (IDD&E) Program Manual. The manual includes procedures for identifying priority areas, screening outfalls, identifying and eliminating pollution sources, and documentation. DEP must approve changes to the IDD&E Manual. Modifications may be implemented upon submission to DEP unless DEP issues an objection in writing within 60 days. The IDD&E Manual satisfies the minimum federal requirements for IDD&E at 40 CFR § 122.34(b)(3) in conjunction with additional requirements in the renewed permit. MS4 NPDES permits generally require the development and maintenance of a written IDD&E program; for PTC, the IDD&E specifications in its IDD&E Manual provide the written program.

   PTC will update its existing maps that show Urbanized Areas, outfalls, observation points, and surface waters. Those maps will be made available to neighboring municipal permittees. Maps will be developed to show the entire storm sewer collection system. PTC's mapping was completed during the prior permit term but updates are consistently being made. Revisions to maps must be provided every two years. PTC is planning to develop a public-facing online mapping tool that may allow for more frequent updates.

   PTC will conduct dry weather screenings of its outfalls and observation points to identify illicit discharges in accordance with PTC's IDD&E Manual. Screenings will be done at least once within the permit term, with the exception of priority outfalls and observation points as described in the IDD&E Manual, which will follow procedures specified in the IDD&E Manual. No screenings will be required at jurisdictional boundary observation points (as defined in the permit) where

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discharges are to municipal storm sewers if municipal officials have been provided with mapping and PTC contact information. All screenings will be documented regardless of whether illicit discharges are detected. Discharges that exhibit indicators of illicit discharges (color, odor, floating solids, scum or sheen) will be evaluated, and action will be taken to eliminate illicit discharges. PTC must also provide training to employees and prime contractors with active roadway construction contracts on how to detect and report illicit discharges. The prior permit included many of the components described herein for the renewed permit, but the renewed permit also requires routine training on IDD&E for employees and prime contractors.

4. MCM #4: Construction Site Stormwater Runoff Control (40 CFR § 122.34(b)(4))

   The goal of this MCM is to minimize erosion and sedimentation from construction sites. PTC compliance will be demonstrated through satisfaction of requirements in Chapter 102 permits, and documented through inspections by DEP and/or county conservation districts. DEP's Chapter 102 regulations are considered a qualifying local program (QLP) under 40 CFR § 122.34(e). A QLP is a local, State or Tribal municipal storm water management program that imposes, at a minimum, the relevant requirements of 40 CFR § 122.34(b). Chapter 102 requirements are more stringent than those in 40 CFR § 122.34(b)(4) and therefore compliance with Chapter 102 constitutes compliance with 40 CFR § 122.34(b)(4).

5. MCM #5: Post-Construction Stormwater Management (PCSM) (40 CFR § 122.34(b)(5))

   The goal of this MCM is to construct and maintain PCSM BMPs. To accomplish this goal, PTC will develop PCSM Plans and obtain permits and install BMPs required by Chapter 102 when necessary for construction projects. A BMP inventory must be maintained, and continued operation will be confirmed through inspections and/or agreements with municipalities. The permit requires implementation of PTC's Stormwater Control Measure Operations and Maintenance (SCMOM) Manual. Section 3.2 of the SCMOM Manual provides BMP inspection frequencies. BMPs are typically inspected annually for the first three years (particularly vegetated BMPs to assure proper establishment of vegetation) and every three years thereafter. If PTC proposes changes to BMP inspection frequencies, DEP must approve the changes in advance. Modifications to the SCMOM Manual may be implemented upon submission to DEP unless DEP issues an objection in writing within 60 days.

6. MCM #6: Pollution Prevention / Good Housekeeping (40 CFR § 122.34(b)(6))

   The goal of this MCM is to prevent stormwater pollution from PTC operations. The permit requires implementation of PTC's Maintenance Manual to provide a clean roadway surface and stormwater conveyance system. Modifications to the Maintenance Manual may be implemented upon submission to DEP unless DEP issues an objection in writing within 60 days.

   PTC must maintain an inventory of its operations and implement a written operation and maintenance program for each operation. PTC will conduct inspections of the operations and training will be provided to employees. PTC must implement and maintain its good housekeeping program for the permittee's maintenance facilities, stockpiles, and service plazas that have the potential for generating pollution in stormwater runoff to the regulated small MS4 including building maintenance; vehicle operation, fueling, washing, and maintenance; and material transfer operations.

   PTC will take actions to minimize pollution from salt storage and distribution facilities to ensure that they are covered and that during weather events salt is exposed only as much as necessary. PTC must 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. Maintenance of the inventory is a component of PTC's good housekeeping program under MCM #6. DEP or EPA may request the inventory in response to complaints or in the routine course of compliance monitoring.

Pollutant Load Reductions

Similar to the PAG-13 General Permit, DEP is establishing a requirement in PTC's permit to develop and implement Pollutant Reduction Plans (PRPs). PTC's PRPs will estimate the stormwater pollutant load generated from PTC roads in Urbanized Areas and identify BMPs to be constructed during the permit term to eliminate a portion of that pollutant load. Load calculations will not include roads in areas served by combined sewer systems. The plans are due within one year of the permit effective date with an application for a major permit amendment. DEP is requiring the submission of an application with the PRPs because of the likelihood that modifications to the permit will need to be made following review of the PRPs.

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PTC will seek collaborative arrangements with municipalities which also have PRP requirements. Municipalities that have shared responsibilities with other municipalities have benefited from the resultant economy of scale. DEP believes there is at least as much potential advantage in PTC/municipal collaboration. PTC projects are often of larger scale than what would typically be pursued by municipalities. PTC is however frequently constrained to the limited unpaved area available within the right-of-way. Collaborative arrangements may, for example, involve PTC construction of a BMP on land outside the right-of-way with maintenance to be the responsibility of the municipality. The terms of such arrangements are not constrained by this permit; they will be negotiated between PTC and the municipality. DEP provides an incentive for PTC/municipal collaboration by allowing both parties to take full PRP credit for such projects. Such crediting is allowed when both the municipality and PTC roads are included the drainage area to the BMP as part of their existing load calculation.

A major challenge for PTC is the long planning period (often 10 years or more) that is typically required for road construction projects. Fortunately, PTC has anticipated the PRP requirement and has begun BMP planning in advance of permit issuance.

PTC has the option to construct standalone BMPs (which would not be tied to road construction projects), but for efficiency and budgeting reasons, PTC prefers implementing PRP BMPs as part of roadway construction projects. The load reductions to be credited to the PRP requirement will be those that are “above-and-beyond” what is required for new construction under Chapter 102 PCSM requirements.

Municipal MS4s have the option to plan their PRP load reductions on a local watershed scale because it is not practical to implement load reductions to every stream in a 5-year permit term. A similar logic will be applied for PTC, but at a larger scale. Roads are typically built or rebuilt with a planning period of 20-40 years. As such, it is not feasible to require load reductions for every stream or local watershed in a 5-year permit term. As a result, DEP is requiring PTC to prepare its PRPs on a major watershed scale. There will be separate PRPs developed by PTC for: 1) the Susquehanna River/Potomac River (Chesapeake Bay) watershed, 2) the Ohio River watershed, and 3) the Delaware River watershed. Each PRP will have its own pollutant load calculation based on the road area in the Urbanized Area in that watershed, a load reduction based on that load calculation, and a list of BMPs to provide the pollutant load reductions in each watershed. PTC has no obligation to reduce stormwater pollution in the Lake Erie watershed because it owns no roads there. As an alternative, PTC will have the option to develop two PRPs, one for its area within the Chesapeake Bay watershed and the other for all areas outside of the Chesapeake Bay watershed.

The load reductions for the 5-year permit term take into account the relative major basin priority and the long planning period needed for road projects. For the Chesapeake Bay watershed, which is a DEP and U.S. Environmental Protection Agency priority, reductions will be 10%, 5% and 3% for sediment, Total Phosphorus (TP) and Total Nitrogen (TN), respectively. For the Ohio River and Delaware River watersheds, 5% sediment and 2.5% TP load reductions will be required for each. The existing pollutant load in the Chesapeake Bay watershed will be calculated for all PTC property in the Urbanized Area. In the other watersheds, the load will be calculated for PTC property in local watersheds impaired due to sediment and/or TP and located in the Urbanized Area. If PTC elects to combine efforts outside of the Chesapeake Bay watershed into one PRP, it must achieve the total 5% sediment and 2.5% TP reductions overall, and additionally must achieve minimum sediment and TP reductions of 3% and 1.5%, respectively, in each watershed. PTC will provide a report of actual load reductions achieved at the end of the permit term for each PRP.

DEP has determined that the pollutant reductions specified above (and in conjunction with the permittee’s SWMP) constitute maximum extent practicable (MEP) under Section 402(p)(3)(B)(iii) of the Clean Water Act for PTC’s MS4. Higher percentage reductions are required for the Chesapeake Bay Watershed because of the urgency to provide pollutant reductions to satisfy TMDL requirements for the Chesapeake Bay, and are consistent with the PAG-13 General Permit. Lower percentage reductions are required outside of the Chesapeake Bay watershed during this permit term. However, DEP has determined that even with the reduced percentages compared to small regulated municipal MS4s (e.g., 5% sediment reduction instead of 10%), PTC’s level of effort in these areas will be similar to those of municipal MS4s.

Table 1 provides a statewide analysis of the average existing TSS (i.e., sediment) loads and load reduction requirements for small regulated municipal MS4s. Table 2 shows the same information for PTC. Because PTC’s PRP planning areas have a higher percentage of impervious surface, the loading rate for sediment is higher, which means PTC will need to remove more sediment load per acre in comparison to municipalities. PTC will need to reduce sediment loading by 64 and 65 lbs/year/acre for the Ohio River and Delaware River watersheds, respectively, compared with the average small regulated MS4 which will reduce sediment loading by 64, and 69 lbs/year/acre for the Ohio River and Delaware River watersheds. Although the

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percentage reduction for sediment in the Chesapeake Bay watershed is the same for PTC and municipal MS4s (10%), PTC will be required to remove nearly 100% more sediment load per acre.

Table 1: Statewide Small Regulated MS4 TSS Loads and Load Reduction Requirements for PRPs.

Watershed	Planning Area (acres)	Pollutant Load (TSS lbs/yr)	Avg Load (TSS lb/yr/ac)	Permit Required TSS Reduction (%)	Avg Load Reduction (TSS lbs/yr/ac)
Erie	51,515	44,130,760	857	10%	86
Ches. Bay	820,536	509,008,866	620	10%	62
Ohio	819,878	523,698,881	639	10%	64
Delaware	1,084,323	750,270,298	692	10%	69
Statewide	2,776,252	1,827,108,805	658		66

Table 2: PTC MS4 TSS Loads and Load Reduction Requirements for PRPs.

Watershed	Planning Area (acres)	Pollutant Load (TSS lbs/yr)	Avg Load per Acre (TSS lb/yr/ac)	Permit Required TSS Reduction (%)	Avg Load Reduction per Acre (TSS lbs/yr/ac)
Erie	N/A	N/A	N/A	N/A	N/A
Ches. Bay	1,680	2,033,752	1,211	10%	121
Ohio	1,436	1,827,923	1,273	5%	64
Delaware	1,978	2,554,272	1,291	5%	65
Statewide	5,094	6,415,947	1,260		83

Each PRP will be subject to public participation requirements. The PRPs will be available for review on the PTC website and notice of the availability of draft PRPs will be published in the *Pennsylvania Bulletin* for public comment. All comments received will be provided to DEP along with a PTC evaluation of each comment. In addition, DEP will publish notice of receipt of and of action taken on the PRPs in conjunction with action taken on the permit amendment application in the Pennsylvania Bulletin.

There is no requirement in the permit for an MS4 Total Maximum Daily Load (TMDL) Plan because PTC is not assigned wasteload allocations in any TMDL.

The PAG-13 General Permit requires Pollutant Control Measures (PCMs) for permittees with discharges to waters impaired by Abandoned Mine Drainage, Pathogens or Priority Organic Compounds. PCMs differ from PRPs in that they involve a compilation of available information on sources of those pollutants, but PCMs do not require a specific pollutant reduction during the permit term. The final PTC permit does not include a PCM requirement because it is unlikely that PTC-owned property discharges contain pollutants associated with the PCMs of PAG-13.

Maximum Extent Practicable (MEP)

DEP has determined that the SWMP required by the permit (including the 6 MCMs) and implementation of the PRPs will reduce the discharge of pollutants to MEP for this permit term and includes other provisions necessary for the control of pollutants in stormwater discharges. The MEP determination is based on numerous factors, including:

- The permittee's performance under prior permit terms as demonstrated by the permittee's annual reports and compliance inspections/audits/assessments;

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- Plans and strategies developed by the permittee, including the permit application and the current SWMP, the numerous manuals prepared to guide their statewide implementation of construction and stormwater management, and a number of other plans/strategies as cited in relevant sections of this fact sheet;
- Numerous conversations with the permittee about logistical and financial feasibilities in a variety of operations;
- Information provided by commenters during the public notice period and the public hearing testimony for this permit; and
- Advances in technologies and best practices in the field of stormwater management.

The approach established in this permit involving the implementation of the BMPs identified in the six MCMs and the PRPs to achieve water quality goals is considered MEP for this permit term because it represents an incremental improvement in stormwater management consistent with the statewide MS4 program. DEP will scrutinize the outcomes from this approach when evaluating the subsequent permit renewal application.

Public Participation

DEP published notice of the receipt of the National Pollutant Discharge Elimination System (NPDES) permit application and a tentative decision to issue the individual NPDES permit in the *Pennsylvania Bulletin* in accordance with 25 Pa. Code § 92a.82. DEP accepted written comments from interested persons for a 30-day period (which was extended for one additional 15-day period), which were considered in making a final decision on the application. Comments were submitted to DEP's NPDES resource account, RA-EPNPDES_Permits@pa.gov.

Under DEP's and EPA's regulations, DEP provides an opportunity for the applicant, any affected State, any affected interstate agency, the Administrator or any interested agency, person or group of persons to request or petition for a public hearing with respect to the application. The request or petition for public hearing filed within the 30-day period allowed for filing of written comments must indicate the interest of the party filing the request and the reasons why a hearing is warranted. A hearing will be held if there is a significant public interest, including the filing of requests or petitions for the hearing. Instances of doubt should be resolved in favor of holding the hearing. Any hearing brought under this subsection will be held in the geographical area of the proposed discharge or other appropriate area and may, as appropriate, consider related groups of permit applications. As mentioned above, a public hearing was held to hear testimony on the draft permit.

ATTACHMENT A

Summary of Public Comments and Public Hearing Testimony
PTC Draft MS4 NPDES Permit

DEP published a draft of PTC's MS4 NPDES permit in the *Pennsylvania Bulletin* on February 13, 2021 and received comments from 33 organizations. A public hearing was requested and was held virtually on July 20, 2021. Five individuals provided testimony during the hearing, and one organization submitted written comments following the hearing. DEP has reviewed and summarized the comments and testimony and provides its responses below.

Pollutant Reduction Plan (PRP) Comments

1. **By not requiring PRPs from PTC prior to issuance of the permit, DEP is not satisfying public participation requirements and a prior settlement agreement.**

   Response: DEP does not agree that the settlement agreement in *Citizens for Pennsylvania's Future v. DEP and Upper Gwynedd Twp., Docket No. 2013-105* (November 19, 2014) applies to the PTC individual MS4 NPDES permit. In addition, PTC's permit renewal application was submitted prior to DEP's requirement that applications must include PRPs. DEP understands the public's desire to review and comment upon the PRPs prior to permit issuance. DEP has considered this comment as well as the likelihood that some modifications to the permit will be necessary upon review of PTC's PRPs. DEP has decided to require the submission of PRPs within one year of the permit effective date along with an application for a major amendment to the permit. DEP will publish notice of receipt and a tentative decision on the application in the *Pennsylvania Bulletin*, to be followed by notice of DEP's final action on the application and PRPs. DEP believes that this process will adequately provide public notice, along with an opportunity to participate in reviewing the PRPs and DEP's final decision to amend the permit.

   Additionally, PTC's permit requires PTC to solicit public involvement and participation in the development of PRPs, as follows

   - PTC will publish notice of the initial draft PRPs in the *Pennsylvania Bulletin* and provide a 30-day public comment period.
   - PTC will include a copy of public comments received and PTC's record of consideration of the comments with the PRPs that are submitted to DEP.
   - PTC will make a complete copy of each PRP available for public review on its website and maintain the approved PRPs, including any revisions thereto, on its website for the duration of permit coverage.
   - PTC will notify each municipality affected by the PRPs, including revisions thereto, in writing at least 30 days prior to submission to DEP.
   - In the event PTC decides to modify the location, type or number of proposed BMPs, PTC will submit an update to its PRPs to DEP prior to implementing the changes. Prior to submitting a revised PRP to DEP, PTC will identify the revision(s) on its website and provide a 30-day period for the acceptance of public comments. PTC will include a copy of public comments received and PTC's record of consideration of the comments with the revised PRPs that are submitted to DEP.

2. **By not requiring PRPs from PTC prior to issuance of the permit, DEP is holding PTC to a lesser standard than municipal MS4s.**

   Response: DEP disagrees. PTC is still obligated to submit PRPs that must be reviewed and approved by DEP in accordance with the same standards as other municipal MS4s. The timeframe within which the PRPs are to be submitted has been modified, along with the process. Since PTC's permit renewal application was submitted prior to including PRPs in the process, DEP modified the procedures allowing for a later submission through a permit amendment while still preserving opportunities for public notice and comment. Also, as noted in the response to Comment No. 1, PTC's permit requires that PTC provide for public participation in the development

of PTC's PRPs. As explained in the fact sheet, the pollutant load reduction requirements for PTC's PRPs exceed or are comparable to pollutant load reductions requirements for municipal small MS4s in each of the four major basins.

3. **By not requiring PRPs from PTC prior to issuance of the permit, an opportunity is lost to engage with local municipalities, watershed groups and others.**

   Response: With issuance of the final renewed permit, PTC has a limited timeframe within which to prepare and submit PRPs. PTC is not obligated to collaborate with municipalities in developing its PRPs but over the next year DEP anticipates attempts to engage with local stakeholders will be made. Also, local stakeholders including municipalities will be placed on notice through the *Pennsylvania Bulletin* when DEP has received the PRPs and an application for a major permit amendment and has made tentative and final decisions.

4. **If the PRPs are approved in the future, not at the time of permit issuance, the public may not have standing in a court of law if they wish to appeal.**

   Response: DEP is handling the submission of a PRP after permit issuance through a major permit amendment. As such, the public will be placed on notice that PTC has submitted an application to amend the permit. DEP will review the application and provide notice of its tentative and final decisions on the permit amendment.

5. **The permit should not allow "trading" between major watersheds.**

   Response: **Response**: The language concerning "trading" between major watersheds has been removed from the final permit. However, DEP is allowing PTC to develop one PRP for all areas outside of the Chesapeake Bay watershed, at PTC's discretion. If this is done, minimum percentage reductions must be achieved in the two major watersheds outside of the Chesapeake Bay watershed. As noted in the response to Comment No. 1, the public will have an opportunity to review and comment on PTC's plans both prior to submission to DEP and as DEP conducts its review.

6. **Load reduction percentages should not be lower outside of the Chesapeake Bay watershed and DEP is holding PTC to a lower standard than municipal MS4s.**

   Response: As detailed in the fact sheet, despite the lower percentage reductions outside the Chesapeake Bay watershed, PTC will reduce a similar pollutant load per acre as compared with the average municipal MS4 because of the higher load that exists in PTC's planning areas.

7. **Reduction in the amount of stormwater draining into the tidal Delaware River from its tributaries should be a primary focus of the MS4 permit. The Pollution Reduction Plan should outline goals for reducing stormwater but the language in proposed permit does not allow for this goal to be reached.**

   Response: As explained in the fact sheet, DEP has determined that the pollutant reduction objectives contained in the final permit constitute maximum extent practicable (MEP) under Section 402(p)(3)(B)(iii) of the Clean Water Act for PTC's MS4. Overall, these objectives exceed or are comparable to what was determined to be MEP for small regulated municipal MS4s. Future permit terms may require higher reductions in areas outside of the Chesapeake Bay watershed.

8. **Pollutant reduction targets for areas outside of the Chesapeake Bay watershed should be set at levels for municipal MS4s (i.e., 10% sediment reduction) and the targets for the Chesapeake Bay should be set higher.**

   Response: See responses to Comment No. 6 and Comment No. 7.

9. **There should be clear limits placed on the extent to which the PRP can be implemented outside of the urbanized area.**

   Response: DEP's current policy is that projects may be implemented up to one mile beyond the planning area if the project will beneficially impact impaired surface waters. DEP has provided this flexibility based on numerous requests by municipal MS4s and DEP developed this policy in concert with EPA. Any projects outside of the urbanized area or planning area must nonetheless be of benefit to impaired waters. For example,

a project upstream of an urbanized area can have a beneficial effect on waters downstream within an urbanized area by reducing the volume, pollutant load, and peak rate of stormwater that ultimately reaches downstream waters.

10. **Reduction targets should be addressed using green infrastructure wherever feasible, with a minimum of 20% of total reductions per PRP achieved through the use of green infrastructure practices that reduce stormwater volume by infiltration and/or evapotranspiration.**

    DEP is currently considering suggestions of this nature for future PAG-13 General Permit terms, which may then be applied to individual permits. DEP agrees that providing a target for green infrastructure would be beneficial.

11. **For joint PTC/municipal projects there should be clarity on the responsibility of the permittee versus the municipality within the urbanized area and it should be clearly stated that "full PRP credit" refers only to those areas for which the permittee is responsible and that double-counting is not allowed.**

    Response: A written agreement between the parties should identify responsibilities. DEP will ensure such agreements are in place prior to approving PRPs. In addition, if joint projects are proposed in PTC's PRPs, DEP will amend PTC's permit to identify the mechanism for crediting the projects toward pollutant reduction requirements. Also see the response to Comment No. 13.

12. **A single PRP planning unit for each basin will allow projects to potentially be concentrated in one or two areas per basin rather than having the projects located in areas more highly impacted by urban road networks and associated pollutants. To address this, more than one PRP planning area should be required for each of the four major watershed basins selected in a manner that systematically addresses the runoff and pollution occurring across the urbanized areas of each basin.**

    Response: For this permit term, DEP is extending the same flexibility to PTC as other small regulated MS4s have in terms of being able to implement BMPs in any location that will benefit impaired waters. For future permit terms, DEP is considering many of the ideas presented by MS4s and environmental organizations to improve the PRP process. In addition, as noted in the response to Comment No. 1, the public will have an opportunity to review and provide comment on PTC's PRPs.

13. **DEP provides an incentive for permittee/municipal collaborations by allowing both parties to take full PRP credit for projects that include both municipal and permittee owned lands in the project's drainage area managed. Double counting of pollution reduction credits should not be allowed.**

    Response: The incentive exists so that municipalities with few opportunities for stormwater BMPs can contribute to projects in neighboring municipalities and satisfy their PRP obligations. DEP has maintained this position since 2016, when the PAG-13 General Permit was issued, and we will extend this opportunity to PTC for this permit term. To be clear, there is no double counting of credit. Pennsylvania receives "one credit" for a BMP in EPA's Chesapeake Bay model regardless of who collaborated on the project, not "two credits."

14. **Implementing PRP BMPs as part of roadway construction projects will potentially direct the PRPs in the direction of roadway construction projects rather than other locations that may be higher priority areas due to water quality impairments.**

    Response: All projects must be located within watersheds of impaired surface waters. Also, DEP believes that PTC will need to evaluate scenarios beyond new roadway projects because, based on DEP's research, there is not significant credit to be claimed beyond achieving water quality requirements under Chapter 102.

15. **It is unclear what the implications are for the permittee if they do not meet the pollution reduction targets by the end of the permit. We recommend including language in the permit laying out what actions the DEP will take if the reduction targets are not met.**

    Response: If there is non-compliance with any permit condition, DEP will take appropriate measures to return the permittee to compliance. DEP does not identify what those measures are in permits as they need to be determined on a case-by-case basis depending on the nature of the non-compliance.

16. PTC should not use the year 2014 to establish existing loads for its PRPs.

Response: DEP used the 2014 Integrated Water Quality Monitoring and Assessment Report to establish PRP requirements for both municipal and non-municipal MS4s and therefore allows for existing loads to computed as of that year.

Other Comments

17. The application of chlorides and chemicals, including pesticides, fertilizers, road salt, and firefighting foam should be expressly addressed via this permit.

Response: These chemicals are addressed to the extent that the IDD&E program is intended to identify them as part of illicit dry weather discharges. In addition, PTC's pesticide applications are regulated through a separate NPDES permit that is specific to the application of pesticides in right of ways near surface waters.

18. At a minimum, the permittee should be responsible for developing and implementing a salt reduction plan, which should be linked to training and ideally certification standards for salt applicators.

Response: PTC attempts to apply the least deicing product possible during and in advance of adverse weather conditions while maintaining safe roadways for the public.

19. The permit and annual report should make clear that the permittee is required to inspect and certify proper maintenance of post-construction and PRP BMPs.

Response: Inspection and maintenance of stormwater BMPs is part of PTC's SCMOM Manual, which is reviewed and approved by DEP as required by the permit.

20. PRPs should address impairments resulting from all pollutants in highway runoff, and not just be developed for surface waters impaired as a result of sediment/siltation and/or nutrients as specified in the draft permit.

Response: DEP appreciates the comment. In general, DEP expects MS4s to address pollutants for which discharges from the MS4 are reasonably expected to cause or contribute to an impairment of surface waters. There are many impairments in which MS4s, including PTC, are not reasonably expected to cause or contribute to an impairment. Sediment, and to a lesser extent nutrients, may be reasonably expected in municipal stormwater discharges and as a result the MS4 permittee is obligated to take measures to reduce its contribution of these pollutants. DEP will continue to consider the link between other pollutants originating from municipal stormwater and surface water impairments.

21. The permit should require that loadings for deicers be documented with priorities given to impaired watersheds. Deicers are already subject to housekeeping MCMs for the small losses that could occur during storage, and they therefore should certainly be tracked for the exponentially greater amounts in outfalls following application to highways.

Response: PTC maintains records of deicing product usage and utilizes the least amount possible without jeopardizing public safety.

22. We recommend all open public comment opportunities be available on the eComment website so the public can readily find and engage in the opportunities.

Response: DEP utilizes eComment only for technical guidance documents, policies, and statewide general permits. The following DEP web page provides the public with an opportunity to see what applications for individual NPDES and WQM permits and Notices of Intent (NOIs) for NPDES and WQM general permit coverage have been received by DEP and actions taken on those applications/NOIs: www.dep.pa.gov/CWPublicNotice. For individual NPDES permits, links to draft permits, fact sheets, and final permits are available in the reports. It is noted that at the time PTC's draft permit was issued, this DEP web

page was just recently created and there was some confusion about which report should be run to find links to the draft permit.

23. The public comment opportunity should include links to all compliance materials related to any EPA enforcement actions directed toward DEP's administration of the NPDES program. Links should also be provided to all documents incorporated by reference in the draft permit.

Response: EPA does not take enforcement action against DEP for administration of the NPDES program. Links to most of the PTC manuals that were referenced in the draft permit were included in the draft fact sheet. Following receipt of this comment, DEP shared the full list of manuals and links to interested parties and has incorporated these links into the final version of the fact sheet.

24. The draft permit does not clearly outline a process for approval of joint PTC/municipal projects or assign ultimate responsibility for operation and maintenance.

Response: DEP believes this is adequately covered in the Pollutant Reduction Plan Instructions (3800-PMT-BCW0200k). If a joint project is proposed, both PTC and the municipality will need to report the project in their new or revised PRP, as applicable. Reporting of the parties responsible for operation and maintenance (O&M), the activities involved in O&M, and the frequency of O&M is required. Additionally the Instructions address the information that should be supplied to DEP when joint PRPs are developed. DEP would similarly treat any project where the parties plan to work jointly but have separate PRPs.

25. If PTC seeks to transfer maintenance responsibility to a municipality, the permittee should provide payment for the maintenance services that the municipality will ultimately be responsible to provide.

Response: DEP cannot dictate this as a condition of an agreement between PTC and a municipality.

26. Given the workload DEP must be provided with additional resources to effectively staff and manage the program.

Response: DEP anticipates being able to hire additional staff in the future following promulgation of revisions to Chapter 92a on August 28, 2021, in which fee increases for many permits became effective.

27. The permit should include a requirement for discharge characterization modeling, in order to understand the effectiveness of the NPDES permit process. This would then be used with annual monitoring data to evaluate the effectiveness of ongoing good housekeeping efforts and restoration efforts associated with the PRP.

Response: DEP has not encouraged the use of analytical monitoring data for municipal stormwater discharges to date due to the volume of data needed for meaningful results and the complexities associated with interpreting the data given the range of environmental conditions that will be encountered throughout the monitoring period. In addition, DEP has adopted the procedures of EPA's Chesapeake Bay model for determining BMP pollutant reduction credit so monitoring data would provide only supplemental information. Modeling is used by many MS4s across Pennsylvania to determine the types and locations of BMPs that will provide maximum return on investment, but DEP does not require such modeling at this time (i.e., a simplified method is available that does not involve modeling). DEP's routine process of assessing surface waters will, over time, provide the best indication of the impact of PRPs.

28. Requirements for salt storage are unclear and difficult to regulate. Permits should not include, "when determined by the permittee to be feasible" but rather should be driven by a discharge monitoring program that tracks chlorides during wet and dry weather, in cold and warm months.

Response: The permit language regarding salt storage is identical to the language in the PAG-03 General Permit (stormwater discharges associated with industrial activity). In this case, permittees are in the best position to determine whether recycling of stormwater that has come into contact with salt products is feasible because feasibility largely depends on the concentrations of salt constituents in the stormwater.