pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

MCM #5: Post-Construction Stormwater Management (PCSM) in New and Re-Development Activities

If you checked Option MCM #4.A in Section E(4)-(5) of the NOI, then you are relying on DEP's statewide QLP for issuing NPDES Permits for Stormwater Discharges Associated with Construction Activities to satisfy all requirements under BMPs #1 through #3 of this MCM #5; therefore, all requirements are met for BMPs #1 through #3 of this MCM #5 and for all requirements under MCM #4.

If you checked Option MCM #4.B in Section E(4)-(5) of the NOI, you are not relying on DEP's QLP for issuing NPDES Permits for Stormwater Discharges Associated with Construction Activities to satisfy the requirements in BMPs #1 through #3 of this MCM #5; therefore, you must implement and achieve all of the requirements in this MCM #5 and all of the requirements in MCM #4, including the Best Management Practices (BMPs) and the Measurable Goals.

The following are the requirements for MCM #5 that are included in the Federal Regulations:

- *Develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your small MS4. Your program shall ensure that controls are in place that would prevent or minimize water quality impacts (40 CFR Part 122.34(b)(5)(i)).*
- *Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your community (40 CFR Part 122.34(b)(5)(ii)(A)).*
- *Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State, Tribal or local law (40 CFR Part 122.34(b)(5)(ii)(B)).*
- *Ensure adequate long-term operation and maintenance of BMPs (40 CFR Part 122.34(b)(5)(ii)(C)).*

The following requirements, Best Management Practices (BMPs) and Measurable Goals are to be implemented and achieved:

Note: Please refer to the definitions section of this permit for clarification of terms used in this MCM. In the following language, the term "**BMPs**" refers to **post-construction stormwater management controls and Best Management Practices**.

BMP #4: The permittee shall enact, implement, and enforce an ordinance or other regulatory mechanism to address post-construction stormwater runoff from new development and redevelopment projects, as well as sanctions and penalties associated with non-compliance, to the extent allowable under State or local law.

Measurable Goal - 1: Within the first year of coverage under this permit, new permittees shall enact and implement a stormwater management ordinance that meets the requirements of this permit.

Measurable Goal - 2: All permittees shall submit a letter signed by a municipal official, municipal engineer or the municipal solicitor as an attachment to their first periodic report certifying the enactment of a stormwater management ordinance that meets the requirements of this permit.

BMP #5: Develop and implement measures to encourage and expand the use of Low Impact Development (LID) in new and redevelopment. Measures also should be included to encourage retrofitting LID into existing development. DEP's Pennsylvania Stormwater Best Management Practices Manual provides guidance on implementing LID practices.

Measurable Goal - 1: In your inventory of development and redevelopment projects authorized for construction since March 10, 2003, that discharge stormwater to your regulated small MS4s, indicate which projects incorporated LID practices and for each project list and track the BMPs that were used.

Measurable Goal - 2: Enact ordinances consistent with LID practices and repeal sections of ordinances that conflict with LID practices. Progress with enacting and updating your ordinances to enable the use of LID practices shall be summarized in the periodic reports.

Recommendations: The EPA website provides publications on LID, including Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices Publication Number EPA 841-F-07-006, December 2007 at http://www.epa.gov/owow/nps/lid/costs07/. The Pennsylvania Standards for Residential Site Development, Pennsylvania Housing Research/Resource Center, The Pennsylvania State University, April 2007 at http://www.engr.psu.edu/phrc/.

BMP #6: Ensure adequate Operation and Maintenance (O&M) 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 - 1: 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 - 2: 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:

a. All PCSM BMPs that were installed to meet requirements in NPDES Permits for Stormwater Discharges Associated with Construction Activities approved since March 10, 2003.
b. The exact location of the PCSM BMP (e.g., street address);
c. 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;
d. The type of BMP and the year it was installed;
e. Maintenance required for the BMP type according to the Pennsylvania Stormwater BMP Manual or other manuals and resources;
f. The actual inspection/maintenance activities for each BMP;
g. An assessment by the permittee if proper occurred during the year and if not, what actions the permittee has taken, or shall take, to address compliance with O&M requirements

Recommendation: Develop a single system that supports recording and tracking the information specified in BMPs #3, #4 and #5.

Measurable Goal - 3: If any portion of your regulated small MS4 is located in, or discharging to, Waters of the Commonwealth, including wetlands, that have an existing or designated use that qualifies as either “High Quality Waters” or “Exceptional Value Waters” under 25 Pa. Code Chapter 93 of DEP’s regulations, then your inspection program for this MCM, as written and as implemented, must ensure that stormwater discharges from new development or redevelopment into that portion of your regulated small MS4 will not cause or contribute to degradation of the quality of the receiving waters.

Recommendation: Develop maps, inspection procedures, enforcement procedures, and a tracking system to ensure that this requirement is met.