

AUG 20 2018

Patricia Loder
Boyertown Borough
100 S Washigton Street
Boyertown, PA 19512

Re: PAG-13 General Permit Approval
Boyertown Borough MS4
NPDES Permit No. PAG133529
Authorization ID No. 1200877
Boyertown Borough, Berks County

Dear Ms. Loder:

The Department of Environmental Protection (DEP) has reviewed your Notice of Intent (NOI) to operate under the PAG-13 General NPDES Permit and has determined that you are eligible for coverage under the statewide General Permit. Your permit is enclosed.

The statewide General Permit expires on **March 15, 2023**. **However, your coverage under the General Permit does not expire unless your coverage is revoked by DEP. A Notice of Intent (NOI) to renew your coverage is no longer required.** When the statewide General Permit is renewed, the permit will be published in the Pennsylvania Bulletin. Following publication of the final renewed General Permit, you must comply with the terms and conditions of the renewed General Permit or otherwise submit an application for an individual NPDES permit. You may submit an application for a waiver to DEP anytime during the term of your General Permit coverage if, due to changing circumstances, you become eligible for a waiver.

The General Permit contains numerous scheduled requirements that may apply to you. Please review DEP's "Summary of Scheduled Requirements" document, available at www.elibrary.dep.state.pa.us (select "Permit and Authorization Packages", "Clean Water", and "PAG-13 MS4 General Permit").

The submission of Annual MS4 Status Reports is required by the General Permit. You must submit the annual reports to the DEP office that approved your General Permit coverage by September 30th of each year to describe activities conducted under the General Permit during the period of July 1 – June 30. You must also submit the annual installment payment of \$500 to DEP's Bureau of Clean Water by September 30th of each year. The first annual report and annual payment is due by September 30, 2018. The first annual report will cover the period from the end of your last reporting period under the previous PAG-13 General Permit until June 30, 2018.

DEP has reviewed your Pollutant Reduction Plan(s) (PRP(s)). Your PRP(s) are hereby approved. The following elements of your PRP(s) will be evaluated by DEP during the permit term:

- A portion of the storm sewershed and BMP drainage area extends beyond the Borough boundaries. The Planning Area and load reduction calculations may only consist of loadings that are generated within the Borough. Please verify that the Planning Area and load reduction calculations only consist of areas within the Borough or otherwise revise your calculations and mapping as necessary.
- The plan states that “the overall storm sewersheds were delineated first, parsing out areas not contributing to any MS4 outfalls”. Mapping must be detailed to show the parsed-out areas and an explanation must be provided in the plan for each site that demonstrates that it is eligible for parsing per the PRP Instructions.
- The plan proposes a nutrient removal baffle box as a BMP with an 80% sediment removal efficiency. DEP’s Effectiveness Values Document lists hydrodynamic structures as having 10% sediment removal efficiency. Based upon current Chesapeake Bay Program guidance, the effectiveness value for planning purposes is generally limited to 20% if there are reasonable assurances that adequate maintenance will be done. If implemented, actual pollutant removal should be tracked and reported during the permit term, and credit will be limited to actual removal. Please be advised that if the revisions to the loading calculations result in a sediment removal less than the required reduction, additional BMPs must be installed during the permit term to meet the requirement.
- O&M activities and frequencies for each proposed BMP was not provided. Please provide this information.

During the permit term, DEP will evaluate your progress in implementing the PRP(s). If progress is not satisfactory DEP may require you to obtain coverage under an individual permit.

You are required to implement the load reduction requirements established in Appendix E of the General Permit within five years, and you must submit a report demonstrating that you have met these requirements as an attachment to the first Annual MS4 Status Report that is due following completion of the 5th year of General Permit coverage.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board’s address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

If you have any questions, please contact Jacob Rakowsky at 717.705.4918 or jrakowsky@pa.gov.

Sincerely,



Maria D. Bebenek, P.E.
Program Manager
Clean Water Program

Enclosures

cc: Spotts, Stevens and McCoy
Central Office, Division of Operations



PAG-13
AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT FOR STORMWATER DISCHARGES FROM
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)
APPROVAL OF COVERAGE

NPDES PERMIT NO. PAG133529

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 et seq. ("the Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 et seq.,

Boyertown Borough
100 S Washigton Street
Boyertown, PA 19512

is authorized to discharge from a regulated small municipal separate storm sewer system (MS4) located in **Boyertown Borough, Berks County** to **Unnamed Tributary to Swamp Creek, Ironstone Creek, and Minister Creek** in Watershed(s) **3-D and 3-E** in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

APPROVAL OF COVERAGE TO DISCHARGE UNDER THIS GENERAL NPDES PERMIT IS AUTHORIZED BEGINNING ON SEPTEMBER 1, 2018. WHEN THE GENERAL PERMIT IS RENEWED, REISSUED OR MODIFIED, THE FACILITY OR ACTIVITY COVERED BY THIS APPROVAL FOR COVERAGE MUST COMPLY WITH THE FINAL RENEWED, REISSUED OR MODIFIED GENERAL PERMIT.

The authority granted by coverage under this General Permit is subject to the following further qualifications:

1. The permittee shall comply with the effluent limitations and reporting requirements contained in this General Permit.
2. Following initial coverage under this General Permit, the submission of Annual MS4 Status Reports in accordance with Part A III.D of the General Permit shall constitute the permittee's Notice of Intent (NOI) for continued coverage under the General Permit. The permittee shall be responsible for complying with the final renewed, reissued or amended General Permit. If the permittee is unable to comply with the renewed or amended General Permit, the permittee must submit an application for an individual NPDES permit within 90 days of publication of the final General Permit.
3. The NOI and its supporting documents are incorporated into this approval of coverage. If there is a conflict between the NOI or its supporting documents and the terms and conditions of this General Permit, the terms and conditions of this General Permit shall apply.
4. Failure to comply with the terms, conditions, or effluent limitations of this General Permit is grounds for enforcement action, permit termination or revocation.
5. The permittee shall achieve pollutant loading reductions for sediment, Total Phosphorus and/or Total Nitrogen as specified in **Appendix E** by **August 31, 2023**.

This approval of coverage is authorized by:

Maria D. Bebenek, P.E.
Clean Water Program Manager
Southcentral Regional Office
Department of Environmental Protection