



June 11, 2019

Mr. Brian Kisenwether  
Mr. Charles Altmiller  
Mr. Frank Polidora  
Butler Township Supervisors  
83 Corporate Drive  
Drums, PA 18222

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Dear Messrs. Kisenwether, Altmiller, and Polidora:

Thank you for your letter of May 12, 2019. Your letter raises a number of questions concerning Butler Township's Municipal Separate Storm Sewer System (MS4) stormwater permit. While the Department of Environmental Protection (DEP) is unable to satisfy all of your requests, we are able to provide background on the MS4 program, as well as guidance on the requirements of your Township's MS4 permit and how you might meet those requirements in a cost-effective manner. I hope this letter is helpful to you all in that regard.

Butler Township's MS4 permit requires the submission of a Pollutant Reduction Plan (PRP) by August 4, 2019, to DEP. You should be making good progress on the PRP by now so that you can submit it on time after completing the required public participation, which takes a minimum of 45 days. If you have any questions on developing the Plan, they can be directed to Mr. Paul Grella in the Northeast Regional Office of DEP in Wilkes-Barre, or to me. We will do anything we can to help.

You are correct that DEP's PRP requirement and guidance materials rely in part on computer modeling work done by the U.S. Environmental Protection Agency (EPA). That material was used because it represents state-of-the-art in stormwater management.

There are a number of tools and a great deal of information on municipal stormwater management on DEP's municipal stormwater website that you may find helpful. You can find the website at "DEP/Businesses/Water/Bureau of Clean Water/Stormwater Management/Municipal Stormwater," or may more easily find it by putting "PA DEP MS4" into your browser. For example, PRP requirements for each municipal MS4 are listed in the "Municipal Requirements Table (Municipal)" on the DEP website. Once in the Table, locate Luzerne County, then Butler Township. You may also find it helpful to review the Pollutant Aggregation Suggestions for MS4 Requirements Table (by clicking on that link), which was created to help MS4s interpret the Municipal Requirements Table.

I also encourage you to review information in the web-based GIS application, a link to which is also on the same website. Select Luzerne County, then Butler Township. The "hashed area" is the "Urbanized Area" in the township (as determined by the federal Bureau of the Census). Your PRP will calculate a "current load" for that area, and you will locate stormwater "Best

Management Practices" (BMPs) within it, as described in the PRP Instructions, also linked on the same website.

In preparing the PRP, you may calculate the current pollutant load using any scientifically-defensible method. Most MS4s use the loading rates in Attachment B of the PRP Instructions. It relies on model-estimated pounds of pollutants per acre per year, for pervious and impervious surfaces. If you wish to use a more sophisticated method, you are free to do so. More sophisticated methods may be of assistance in locating BMPs so they treat areas with higher relative load, so you may feel the extra effort is worth it. Your municipal engineer should be well-acquainted with this process and able to assist you in making these decisions.

DEP does not have the detailed information you request for water quality entering and leaving the Township. DEP assesses waterbodies on a watershed by watershed basis that is not tethered to municipal boundaries. The assessments utilize biological measures to ascertain whether a waterbody meets or exceeds water quality standards, or fails to meet such standards and is impaired. The fact is that all lands contribute some stormwater pollutant load. The amount of that load varies with the particular mix of land uses and the degree that the stormwater is "treated" in BMPs.

I am not able to comment on the specifics of New York's or Maryland's roles in contributing to or reducing pollution affecting the Chesapeake Bay. Each of the six states in the Bay's watershed, and the District of Columbia, are individually responsible for reducing their nutrient and sediment pollutant loads entering the Bay as mandated by the Total Maximum Daily Load (TMDL) that EPA prepared under the federal Clean Water Act. The manner in which the EPA allocated each jurisdiction's responsibility is detailed by the EPA on their Chesapeake Bay TMDL website, at [www.EPA.gov/chesapeake-bay-tmdl](http://www.EPA.gov/chesapeake-bay-tmdl). Our primary focus is related to Pennsylvania's responsibilities for pollutant reduction, which includes the PRP requirement.

DEP understands and appreciates your obligation to your taxpayers to wisely use their financial resources. There are ways you can manage your pollutant load reduction obligation through your PRP development process, and most municipalities have opportunities for highly cost-effective BMPs. Others save money by partnering with neighboring municipalities, making arrangements with private parties, or collaborating with PennDOT. We would be glad to review those options in detail with you as you prepare your PRP. You can also revise your PRP as time goes by and as new opportunities become available.

Thank you for your interest.

Sincerely,



Lee Murphy  
Environmental Group Manager  
MS4 Section  
NPDES Permitting Division