

# E&S/NPDES Program Conservation District & Municipal Cooperation

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Cumberland County Conservation District

Rev. 6/15/17

## MEMORANDUM OF UNDERSTANDING (MOU) Between the CUMBERLAND COUNTY CONSERVATION DISTRICT and <NAME OF MUNICIPALITY> TOWNSHIP

This MOU is entered this day of	, 20 , by and between the Cumberland
County Conservation District ("District"), with office	s at 310 Allen Road, Carlisle, Pennsylvania, and
Middlesex Township, a Pennsylvania municipality	y ("Municipality") with offices at 350 North
Middlesex Road, Carlisle, PA 17013.	

The parties hereto, intending to be legally bound, agree as follows:

#### I. The purposes of this Memorandum are:

- To serve as a joint commitment by the parties to control accelerated erosion and to prevent sediment pollution to the waters of the Commonwealth which may result from earth disturbance activities conducted in the <u>Municipality</u>.
- To serve as a joint commitment by the parties to ensure Best Management Practices (BMPs) are implemented to protect, maintain, reclaim, and restore water quality and the existing and designated uses of waters of this Commonwealth located in the <u>Municipality</u> for the benefit of the Municipality's citizens and downstream water users.
- To delineate the duties of each party in administering the regulations set forth in Title 25, Chapter 102, of the Pennsylvania Code and with respect to General (PAG-02) National Pollutant Discharge Elimination System (NPDES) permits for Stormwater Discharges from Construction Activities.
- To assist the <u>Municipality</u> in meeting its minimum control measures as required by federal PAG-13 permit for Stormwater Discharges from Small Separate Storm Sewer Systems (MS-4s). This MOU will serve to satisfy Minimum Control Measure #4 – Construction Site Runoff Control and will assist in satisfying Minimum Control Measure #5 – Post-Construction Stormwater Management in New Development and Redevelopment.

### II. In carrying out the intent of this memorandum, the Cumberland County Conservation District (District) will:

#### A. Erosion & Sedimentation (E&S) Plan Reviews / NPDES Permit Processing

 Complete a technical review of all E&S plans proposing 1 acre or more of earth disturbance, which requires an NPDES permit. Initial technical review will be completed within 22 business days for General NPDES permits and 47 business days for Individual NPDES permits after the NPDES Application is considered complete. Additional technical reviews will be completed within 17 business days for General permits and 22 business days for Individual permits after receiving a complete revised plan submission.

- 2) Complete a technical review of all E&S plans proposing 5,000 square feet to 0.99 acres of earth disturbance when required by municipal ordinance. The technical review will be completed within 30 calendar days of receiving a complete plan submission.
- 3) Conduct all technical E&S plan reviews in accordance with the District's delegation agreement with PA Department of Environmental Protection (DEP), applicable Chapter 102 regulations, and the applicable PA DEP Erosion and Sediment Pollution Control Program Manual.
- 4) May provide the Municipality with courtesy copies of all administrative and technical plan review deficiency letters and will provide E&S plan approval letters and NPDES general permit acknowledgment letters.
- 5) Maintain an E&S Control webpage on the District's website (www.cumberlandcd.com) with all current E&S plan review and NPDES application forms, District services fee schedule, useful links, and other information to assist applicants and plan preparers in preparing quality E&S & PCSM plans.
- Conduct periodic educational workshops regarding erosion and sediment control and postconstruction stormwater management and invite representatives of the Municipality to attend.
- Conduct a completeness review of all PCSM plans requiring a NPDES permit within 15 business days of receipt of the plans.

#### B. Preconstruction Meetings, Complaint Investigations, & Site Inspections

- Request that the developer and/or contractor invite the municipal engineer, codes enforcement officer, or other Municipality representative to the preconstruction meeting for all NPDESpermitted sites.
- Investigate all E&S complaints within 8 business days of receipt. Conduct periodic E&S follow-up inspections until violations have been corrected.
- Refer all stormwater related complaints to the Municipality to determine compliance with the Municipality's stormwater management ordinance and/or MS-4 permit.
- Refer all complaints involving waterway obstruction and encroachments (potential Chapter 105 violations) to DEP's Southcentral Region Office for resolution. (The District is not delegated to administer DEP's Chapter 105 program.)
- May provide the Municipality with a copy of all inspection reports.
- Provide the Municipality with a copy of all NPDES copermittee/transferee acknowledgement letters.

- Serve as a repository for all plans, complaints, inspection reports, correspondence, etc. that involve earth disturbance activities.
- 8) Conduct routine and follow-up compliance inspections of all NPDES-permitted sites striving to obtain voluntary compliance in accordance with our delegation agreement with DEP.
- Initiate enforcement action in accordance with District and PA DEP compliance assistance and enforcement guidelines for sites where voluntary compliance with Chapter 102 regulations cannot be obtained.
- 10) May contact the Municipal engineer and/or codes enforcement officer to verify compliance with the PCSM plan prior to acknowledging any Notice of Terminations (NOT) for NPDESpermitted site.
- 11) At the Municipality's request, review the Municipality's Stormwater Management or Subdivision and Land Development Ordinance to determine consistency with current Chapter 102 regulations.
- 12) May ask the Municipality to work with the District in order to obtain voluntary compliance for sites in violation.

#### III. In carrying out the intent of this memorandum, Municipality will:

- Remind all citizens, builders, contractors, developers, and farmers that earth disturbance
  activities, including clearing and grubbing of vegetation and construction of agricultural
  buildings, require implementation of erosion and sediment (E&S) control Best Management
  Practices (BMPs) and may require a written E&S plan. Refer them to the District for further
  guidance.
- Will notify building permit applicants of the requirement to have an E&S plan reviewed and approved by the District when required by a Municipal ordinance.
- Encourage applicants to meet with the District and Municipal engineer at the earliest possible date to discuss preliminary concept plans.
- 4) Notify the District within 10 calendar days of any PCSM plan revisions submitted to the Municipality after the District has approved coverage under the general NPDES permit.
- 5) Forward all third party complaints to the District regarding earth disturbance activities allegedly causing sediment pollution to Waters of the Commonwealth or presenting a significant potential for sediment pollution. Inform the District of any earth disturbance projects that have commenced without receiving E&S plan and/or NPDES permit approval.
- Notify the District within 5 days of receipt of an application for a permit involving an earth disturbance activity consisting of 1 acre or more. (Required by 25 PA Code 102.42)



#### Conserving Natural Resources for Our Future

#### Municipal Notice to Conservation District for Earth Disturbance/Building Permit

Please fill out or have the applicant fill out the information below to determine the need for an erosion control plan or NPDES permit for earth disturbance projects. As per DEP regulations, the municipality shall notify the District of any projects that disturb one acre or more. You may FAX or e-mail the completed form to the District. The District may contact the applicant based on information provided.

Municipality:					
Applicant:					
Address:					
Phone number/email:					
Type of project: Residential/Commercial/Other	:				
<b>Does your project propose an earth disturba</b> (Please note: the establishment of lawn may conshould be directed to the District.)					
Yes Please answer next question. No No further information required, however E&S B	MP's may still be necessary on your project.				
Does your project propose an earth disturba	nce of 1 acre or more?				
Yes NPDES Permit is required, unless part of a project that already has permit coverage.  No If greater than 5000 square feet, and less than 1 acre, a written erosion control plan is required.					
Project name and/or NPDES permit number if a	already permitted:				
Applicant Signature:					
For additional assistance contact: Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013	Kim Falvey <u>kfalvey@ccpa.net</u> Vince McCollum <u>vmccollum@ccpa.net</u> Matt Stough mstough@ccpa.net				

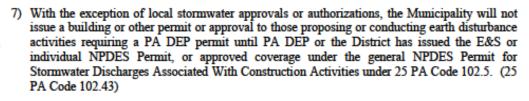


717-240-7812 FAX 717-240-7813

- Serve as a repository for all plans, complaints, inspection reports, correspondence, etc. that involve earth disturbance activities.
- 8) Conduct routine and follow-up compliance inspections of all NPDES-permitted sites striving to obtain voluntary compliance in accordance with our delegation agreement with DEP.
- Initiate enforcement action in accordance with District and PA DEP compliance assistance and enforcement guidelines for sites where voluntary compliance with Chapter 102 regulations cannot be obtained.
- 10) May contact the Municipal engineer and/or codes enforcement officer to verify compliance with the PCSM plan prior to acknowledging any Notice of Terminations (NOT) for NPDESpermitted site.
- 11) At the Municipality's request, review the Municipality's Stormwater Management or Subdivision and Land Development Ordinance to determine consistency with current Chapter 102 regulations.
- 12) May ask the Municipality to work with the District in order to obtain voluntary compliance for sites in violation.

#### III. In carrying out the intent of this memorandum, Municipality will:

- Remind all citizens, builders, contractors, developers, and farmers that earth disturbance
  activities, including clearing and grubbing of vegetation and construction of agricultural
  buildings, require implementation of erosion and sediment (E&S) control Best Management
  Practices (BMPs) and may require a written E&S plan. Refer them to the District for further
  guidance.
- Will notify building permit applicants of the requirement to have an E&S plan reviewed and approved by the District when required by a Municipal ordinance.
- Encourage applicants to meet with the District and Municipal engineer at the earliest possible date to discuss preliminary concept plans.
- 4) Notify the District within 10 calendar days of any PCSM plan revisions submitted to the Municipality after the District has approved coverage under the general NPDES permit.
- 5) Forward all third party complaints to the District regarding earth disturbance activities allegedly causing sediment pollution to Waters of the Commonwealth or presenting a significant potential for sediment pollution. Inform the District of any earth disturbance projects that have commenced without receiving E&S plan and/or NPDES permit approval.
- Notify the District within 5 days of receipt of an application for a permit involving an earth disturbance activity consisting of 1 acre or more. (Required by 25 PA Code 102.42)



- 8) Take the lead on all stormwater complaints (that do not involve earth disturbance activities) and, where applicable, work with the District to bring resolution.
- Voluntarily comply with Chapter 102/NPDES requirements for all municipal earth disturbance activities.
- 10) Upon the District's request, provide copies of all current E&S/PCSM/SALDO ordinances to ensure consistent application of requirements and avoid duplication of effort.
- Work with the District to obtain voluntary compliance for sites in violation.
- 12) Upon request, provide a PCSM plan consistency/approval letter signed by the municipal engineer for a NPDES permit applicants.

IV. This Memorandum of Understanding shall become effective immediately. It shall be reviewed periodically, as the need arises, by either or both parties, and may be amended by mutual consent of both parties. This MOU may be terminated at any time by either party upon providing a 30 day written notice to the other party.

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4. MCM #4: Construction Site Stormwater Runoff Control. (25 Pa. Code § 92a.32(a) and 40 CFR § 122.34(b)(4))

Permittees with coverage under the PAG-13 General Permit must rely on DEP's program for issuing NPDES permits for stormwater discharges associated with construction activities to satisfy MCM #4. In addition to relying on the state NPDES permit program for stormwater discharges associated with construction activities, the permittee shall implement the BMPs identified below.

- a. BMP #1: The permittee may not issue a building or other permit or final approval to those proposing or conducting earth disturbance activities requiring an NPDES permit unless the party proposing the earth disturbance has valid NPDES Permit coverage (i.e., not expired) under 25 Pa. Code Chapter 102.
- b. BMP #2: A municipality or county which issues building or other permits shall notify DEP or the applicable county conservation district (CCD) within 5 days of the receipt of an application for a permit involving an earth disturbance activity consisting of one acre or more, in accordance with 25 Pa. Code § 102.42.
- c. **BMP** #3: Enact, implement and enforce an ordinance or SOP to require the implementation and maintenance of E&S control BMPs, including sanctions for non-compliance, as applicable.
  - (1) Municipal permittees shall enact, implement, and enforce an ordinance to require the implementation of E&S control BMPs, including sanctions for non-compliance. All municipal permittees shall submit a copy of an ordinance that is consistent with DEP's 2022 Model Stormwater Management Ordinance (3800-PM-BCW0100j) as an attachment to an Annual MS4 Status Report by September 30, 2022 (existing permittees) or the fourth (4<sup>th</sup>) Annual MS4 Status Report following approval of coverage under this General Permit (new permittees).
  - (2) Permittees that lack the authority to enact ordinances shall develop, implement and enforce an SOP to require the implementation and maintenance of E&S control BMPs by September 30, 2022 (existing permittees) or the first Annual MS4 Status Report following approval of coverage under this General Permit (new permittees).

5. MCM #5: Post-Construction Stormwater Management (PCSM) in New Development and Redevelopment. (25 Pa. Code § 92a.32(a) and 40 CFR § 122.34(b)(5))

Permittees with coverage under the PAG-13 General Permit must rely on DEP's program for issuing NPDES permits for stormwater discharges associated with construction activities to satisfy MCM #5. In addition to relying on the state NPDES permit program for stormwater discharges associated with construction activities, the permittee shall implement the BMPs identified below.

- a. BMP #1: Enact, implement and enforce an ordinance or SOP to require post-construction stormwater management from new development and redevelopment projects, including sanctions for non-compliance.
  - (1) Municipal permittees shall enact, implement, and enforce an ordinance to require the implementation of PCSM BMPs, including sanctions for non-compliance. All municipal permittees shall submit a copy of an ordinance that is consistent with DEP's 2022 Model Stormwater Management Ordinance (3800-PM-BCW0100j) as an attachment to an Annual MS4 Status Report by September 30, 2022 (existing permittees) or the fourth (4<sup>th</sup>) Annual MS4 Status Report following approval of coverage under this General Permit (new permittees).
  - (2) Permittees that lack the authority to enact ordinances shall develop, implement and enforce an SOP to require the implementation and maintenance of PCSM BMPs and submit the SOP to DEP by September 30, 2022 (existing permittees) or the fourth (4<sup>th</sup>) Annual MS4 Status Report following approval of coverage under this General Permit (new permittees).
- b. BMP #2: Develop and implement measures to encourage and expand the use of Low Impact Development (LID) in new development and redevelopment. Measures should also be included to encourage retrofitting LID into existing development. Guidance on implementing LID practices may be found on DEP's MS4 website, <a href="www.dep.pa.gov/MS4">www.dep.pa.gov/MS4</a>. Enact ordinances consistent with LID practices and repeal sections of ordinances that conflict with LID practices. Submission of an ordinance that is consistent with DEP's 2022 Model Stormwater Management Ordinance (3800-PM-BCW0100j) will satisfy this BMP.

c. **BMP** #3: Ensure adequate O&M of all post-construction stormwater management BMPs that have been installed at development or 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.

An inventory of PCSM BMPs shall be developed by new permittees by the end of the first year of General Permit coverage and shall be continually updated during the term of coverage under the General Permit as development projects are reviewed, approved, and constructed. Existing permittees shall update and maintain its current inventory during the term of coverage under the General Permit. The permittee must track the following information in its PCSM BMP inventory:

- 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., latitude and longitude, with street address).
- Information (e.g., name, address, phone number(s)) for BMP owners and entities responsible for BMP O&M, if different from BMP owners.
- 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 conducted for each BMP.
- An assessment by the permittee if proper O&M has occurred during the year and if not, what
  actions the permittee has taken, or shall take, to address compliance with O&M requirements.

#### APPENDIX A

Summary Table of Installed PCSM BMPS
Check all applicable PCSM BMPS that have been installed as part of the approved PCSM Plan along with their associated function(s).

Note: VC = Volume Control, RC = Rate Control and WQ = Water Quality

Permit No.: PAC210008

	ВМР		Fu	ncti	on(s	:1		No. of BMPs	Total Acres Treated	Total Volume Treated
П	Wet Ponds	П	VC		RC		WQ	Ito. Of Billi 3	Ticatca	Troutou
౼	Constructed Wetlands		VC	౼	RC	H	WQ			
늄	Retention Basins		VC		RC	ī	WQ			
౼	Detention Basins		VC	H	RC	_				
	Underground Detention		VC		RC			1	5.72	45,891 cf 2-yr 134,659 cf 100 - yr
	Dry Extended Detention Basin		VC		RC					
	Sediment Fore Bay		VC				WQ			
	Infiltration Trench		VC		RC		WQ			
	Infiltration Berm/Retentive Grading		VC		RC		WQ			
	Subsurface Infiltration Bed		VC		RC		WQ			
	Infiltration Basin		VC		RC		WQ			
	Pervious Pavement		VC		RC		WQ			
	Dry Well/Seepage Pit		VC		RC		WQ			
	Bio-Infiltration Areas		VC		RC		WQ			
	Rain Gardens/Bio-Retention		VC		RC		WQ			
	Vegetated Swales		VC		RC		WQ			
	Constructed Filters		VC		RC		WQ			
	Protect Sensitive & Special Value Features		VC		RC		WQ			
	Protect/Convert/Establish Riparian Buffers		VC		RC		WQ			
	Restoration: Buffers/Landscape/Floodplain		VC		RC		WQ			
	Disconnection From Storm Sewers		VC		RC		WQ			
	Rooftop Disconnections		VC		RC		WQ			
	Vegetated Roofs		VC		RC		WQ			
	Runoff Capture/Reuse		VC		RC		WQ			
	Oil/Grit Separators						WQ			
$\boxtimes$	Water Quality Inserts/Inlets					$\boxtimes$	WQ	1	7.0	56,509 cf 2-yr
$\boxtimes$	Street Sweeping					$\boxtimes$	WQ	1	7.0	
	Soil Amendment/Soil Restoration		VC		RC		WQ			
	Other		VC		RC		WQ			
	Other		VC		RC		WQ			
П	Other	П	VC	П	RC	П	wo			

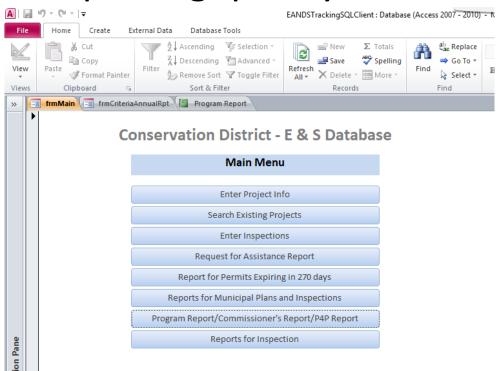
		APPENDIX C		
ermit No.: PAC210008				
Person(s) Responsible t	for Long-Term Operation an	d Maintenance of PCSM BMPs	:	
Statement: The following operation and maintenance	g person(s) understand and h	nave agreed to the long-term op	eration and maintenance of the PCS	SM BMPs as per the long-ter
PCSM BMPs (list one BMP per row)	Latitude and Longitude, of each PCSM BMP	Name of Responsible Party	Address	Phone #
Underground	40 - 13"- 37"- N	485 St. Johns Property, LP	4 Radnor Corporate Center	610-664-8500
Detention	76 - 57' - 09" - W		Suite 105	
Water Quality Unit	40 - 13' - 38" - N 76 - 57' - 00" - W	485 St. Johns Property, LP	4 Radnor Corporate Center Suite 105	610-664-8500
Street Sweeping	40 - 13' - 35" - N 76 - 57' - 10" - N	485 St. Johns Property, LP	4 Radnor Corporate Center Suite 105	610-664-8500

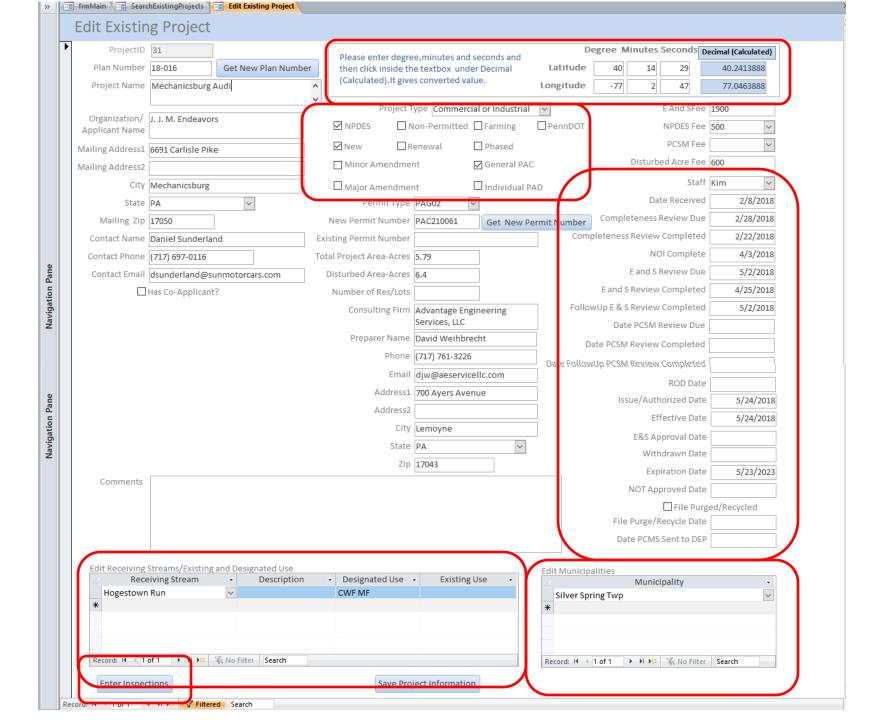
Attach additional Appendix C Forms as needed.

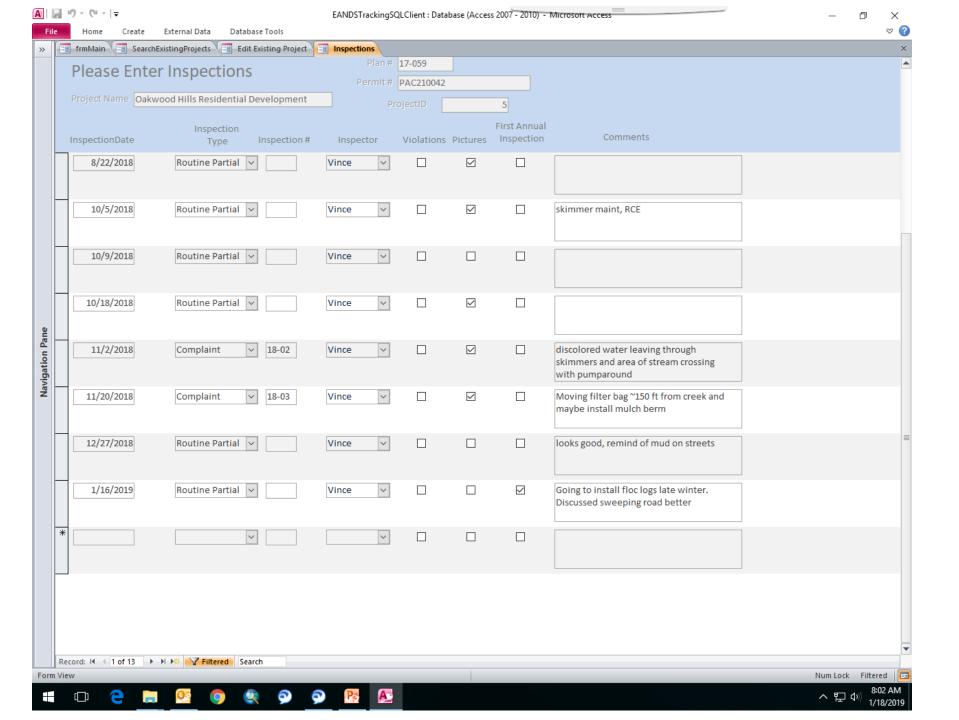
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## **New Database**

- Collecting much more info
- Can generate reports to aid municipalities
- Can generate reports for County and DEP required reporting quickly







Database Tools

Navigation Pane

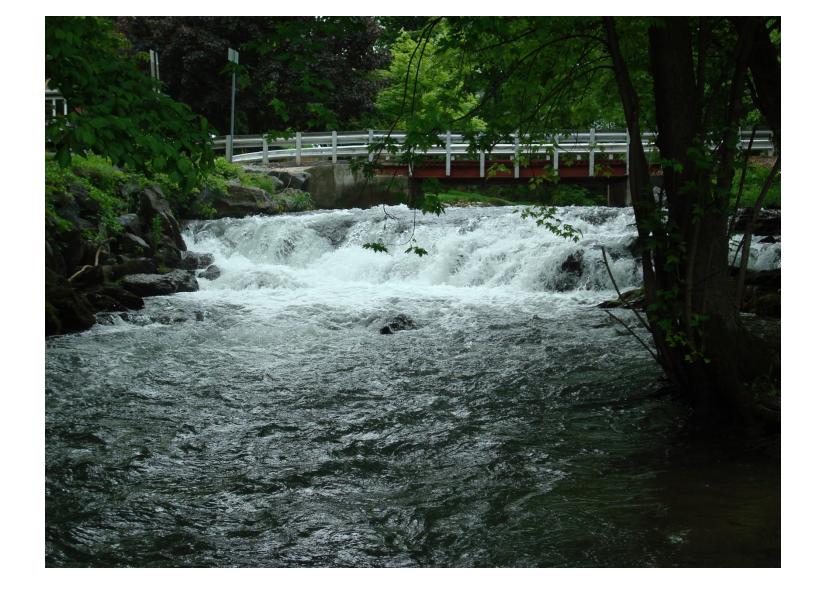
frmMain frmCriteriaAnnualRpt frmCriteriaMunicipality RptMunicipalInspections

#### CCCD E&S/NPDES Inspections Report for Selected Municipality

Municipality: South Middleton Twp

Inspection Date between 1/1/2018 And 12/31/2018

Total Inspections: 89			
Project Name	Inspection Date	Inspection Type V	iolations/
Carlisle Area Reinforcement Project	4/13/2018	Preconstruction Meeting	. 🗆
Carlisle Area Reinforcement Project	6/7/2018	Routine Partial	
Carlisle Area Reinforcement Project	7/26/2018	Routine Partial	
Carlisle Area Reinforcement Project	7/31/2018	Routine Partial	
Carlisle Area Reinforcement Project	8/9/2018	Routine Partial	✓
Carlisle Area Reinforcement Project	8/16/2018	Routine Partial	
Carlisle Area Reinforcement Project	8/23/2018	Routine Partial	✓
Carlisle Area Reinforcement Project	9/20/2018	Follow Up	
Carlisle Area Reinforcement Project	10/9/2018	Routine Partial	
Carlisle Area Reinforcement Project	12/20/2018	Routine Partial	
Carlisle Evangelical Free Church Parking Lot Expan	5/8/2018	Routine Partial	
Forge Road Acres Water/Sewer Replacement Phase 1	2/8/2018	Routine Partial	
Forge Road Acres Water/Sewer Replacement Phase 1	2/21/2018	Routine Partial	
Forge Road Acres Water/Sewer Replacement Phase 1	4/27/2018	Routine Partial	
Forge Road Acres Water/Sewer Replacement Phase 1	6/21/2018	Routine Partial	
Forge Road Acres Water/Sewer Replacement Phase 1	8/31/2018	Routine Partial	
Forge Road Acres Water/Sewer Replacement Phase 1	9/20/2018	Routine Partial	
Forge Road Acres Water/Sewer Replacement Phase 1	10/9/2018	Routine Partial	
Forge Road Acres Water/Sewer Replacement Phase 1	12/20/2018	Routine Partial	
Forgedale Crossing - Phase 10A	4/25/2018	Routine Partial	
Forgedale Crossing - Phase 10A	4/27/2018	Routine Partial	



Questions?