

PennDOT MS4 Permit – FAQs

Municipal MS4 Coordination

1. **Does PennDOT have an MS4 Permit? If so, what does the permit cover?**

PennDOT has an Individual MS4 Permit covering stormwater conveyances operated by PennDOT and used for collecting or conveying stormwater runoff associated with PennDOT roads, bridges, and related structures, such as maintenance facilities. The permit expiring July 14, 2015 has been administratively extended while the new permit is under review. PennDOT's permit includes six minimum control measures and pollution reduction plan components, similar to the general MS4 Permit required for municipalities. This results in similar stormwater management program requirements for PennDOT and municipalities.

2. **What is the difference between a “drainage facility” and “storm sewer system”?**

The intent of these terms is very similar. A drainage facility is a man-made feature, such as a gutter, inlet, ditch, and storm sewer pipe, that conveys stormwater generated by the highway. It is a term used frequently in Chapter 8 of PennDOT's Publication 23, Maintenance Manual. A storm sewer system is a series of features that collect, convey, and discharge stormwater runoff from various sources. A storm sewer system on a highway is comprised of drainage facilities.

3. **Who is responsible for maintaining drainage facilities in state highway right-of-way?**

Operational responsibility for drainage facilities in state highway right-of-way is determined by the curb-to-curb policy found in PennDOT Publication 23 (Maintenance Manual), Section 8.5. Operational responsibility is equivalent to drainage maintenance responsibility.

4. **How do I determine who has operational responsibility for the storm sewer system on a particular state road within a specific municipality?**

As laid out in PennDOT Publication 23, Section 8.5, operational responsibility for drainage facilities in state highway right-of-way is determined by a combination of the type of local government, stormwater facility type, adjacent roadway classification, and whether a formal agreement is in place. Excerpts from the policy related to operational responsibility are as follows.

Limited Access Highways

PennDOT assumes operational responsibility for all drainage facilities installed on limited access highways regardless of the municipality they are located in.

Cities, Boroughs and Incorporated Towns

The operational responsibility of enclosed surface water drainage facilities (e.g., pipes) within cities, boroughs, and incorporated towns belongs to those municipalities. PennDOT only maintains the roadway surface and open surface water drainage facilities between the curblines (e.g., storm inlet grates).

Townships

Unless an agreement exists that designates the township as responsible, PennDOT has operational responsibility of the state roadway drainage systems in townships. Repair or replacement of pipes due to a lack of capacity is the township's responsibility.

PennDOT will be gathering information on maintenance agreements, and where operational responsibility may differ from above, and track them in a database as part of PennDOT's MS4 permit commitments.

5. Does PennDOT have the storm sewer systems for state roads mapped in urbanized areas? If so, can the data be shared with municipalities?

PennDOT maintains an inventory of storm sewer pipes in its Roadway Management System (RMS). The pipe information is filtered to produce likely discharges to surface waters. The mapping provided to DEP/EPA depicts approximate locations of outfalls in urbanized areas, regardless of political subdivision. Ultimately, however, storm sewer mapping is the responsibility of the operator. Within cities, boroughs, and incorporated towns, mapping is the responsibility of the municipality. PennDOT will share its RMS information and GIS data, if available, at the request of a municipality.

Currently, storm inlet locations and sewershed boundaries are not available in GIS. PennDOT is developing a process to gather GIS data on storm inlets and outfalls on future design projects.

6. Can a municipality or stormwater authority charge PennDOT a stormwater fee?

PennDOT does not pay stormwater-related taxes or fees for the state highway system. PennDOT has its own MS4 Permit covering these areas. Additionally, Act 68 of 2013 and municipal ordinances do not apply to the state highway system and corresponding maintenance facilities, where PennDOT has exclusive jurisdiction. In lieu of charging a fee, municipalities have the option to parse out highway right-of-way areas in their pollution reduction plans.

7. Does PennDOT pay stormwater fees for its non-highway properties (e.g., stockpiles, rest areas, etc.)?

Stormwater fees are a form of tax. PennDOT is exempt from paying taxes.

8. Does PennDOT inspect the condition of storm sewer systems in the state highway right-of-way? If so, what is covered in the inspections, and how often do they occur?

PennDOT inspects the storm sewer pipes, inlets, and outfalls in the PennDOT Roadway Management System (RMS) on a four-year cycle. RMS is PennDOT's system for inventorying and monitoring the condition of roadway features including drainage facilities. Inspections are done primarily through the Systematic Technique to Analyze and Manage Pennsylvania Pavements (STAMPP) program, which uses two person teams to complete manual distress surveys. The surveys provide quantified location-specific condition data on the state highway system. Inspectors are also trained to identify and report potential illicit discharges.

STAMPP covers all PennDOT maintained roadways, including those in cities, boroughs, incorporated towns, and townships; however, pipe inspection coverage may be more limited in cities. For example, RMS pipe data is only available for interstates in the City of Philadelphia. On the other hand, RMS pipe data exists for all state roads in the City of Bethlehem and the City of Allentown. Inspections are limited to drainage facilities within PennDOT's legal right-of-way. Outfalls outside the right-of-way are not inspected.

Each municipality should use discretion in deciding whether to conduct supplemental or overlapping pipe/outfall inspections. Upon request, PennDOT can confirm whether a drainage facility is included in inspections and, if so, the last inspection date.

9. How does PennDOT satisfy the illicit discharge, detection and elimination (IDDE) requirements of its MS4 permit?

PennDOT includes IDDE in its STAMPP training. Maintenance field personnel are also trained annually on detection of observable types of illicit discharges flowing into storm sewer systems from outside sources. Outfalls outside of the state right-of-way are not inspected as part of the program.

PennDOT is revising its IDDE procedures to provide notification of an illicit discharge to both DEP and the municipality - PennDOT does not have enforcement power. IDDE program records are maintained for a minimum of three years from the documented detection event. A municipality may obtain PennDOT's IDDE records upon request.

10. What other GIS data related to MS4 permit requirements does PennDOT have that can be shared with municipalities?

PennDOT can provide GIS shapefiles of the state highway system, shown as lines, and cross-pipe locations, shown as points. Right-of-way lines, edges of pavement, storm sewer inlets, sewershed boundaries, etc. are either not available or not available in GIS format. Municipalities can submit a request for information to the appropriate District office.

11. Is PennDOT required to develop Pollutant Reduction Plans for its MS4 permit?

PennDOT's current (2011-2016) MS4 permit does not require Pollutant Reduction Plans to be developed. PennDOT addresses the impact of highway projects on impaired watersheds through its *Antidegradation and Post Construction Stormwater Management Policy*, which currently can be found in PennDOT Publication 13M (Design Manual 2), Chapter 13, Section 13.7. PennDOT's new permit is pending approval by PA DEP. Its final terms and conditions have not yet been determined.

12. What are PennDOT's Pollution Reduction Plan commitments in the Chesapeake Bay Watershed?

PennDOT's current MS4 permit does not contain numeric pollution load reduction requirements for the Chesapeake Bay Watershed. PennDOT addresses the impact of highway projects on the Chesapeake Bay Watershed through its *Antidegradation and Post Construction Stormwater Management Policy*, which currently can be found in PennDOT Publication 13M (Design Manual 2), Chapter 13, Section 13.7.

13. Does PennDOT have Pollution Reduction Plans for impaired waterbodies (non-attaining uses)? If so, what are they?

PennDOT's current MS4 permit does not contain pollution load reduction requirements for impaired waterbodies without a TMDL. PennDOT addresses the impact of highway projects on impaired watersheds through its *Antidegradation and Post Construction Stormwater Management Policy*, which currently can be found in PennDOT Publication 13M (Design Manual 2), Chapter 13, Section 13.7.

14. Can a municipality parse out state highway right-of-way areas in determining their required pollution load reductions for a PRP?

As DEP states in their [PRP Instructions](#) (Attachment A, Parsing Guidelines), PennDOT right-of-way areas can be parsed out of the municipality's sewershed area for calculating pollutant loads. However, sidewalks and driveways within the right-of-way are not PennDOT's responsibility to maintain and, therefore, not included in PennDOT's PRP. PennDOT's inclusion of roadway areas in its PRP in no way affects the storm sewer system operational responsibility of a municipality explained in FAQ #4.

15. How can PennDOT be a partner and share costs associated with PRPs?

The most direct way to partner is for a municipality to implement BMPs that treat runoff from PennDOT-owned surfaces that drain into an MS4. Two conditions are outlined below, along with scenarios for each.

Condition 1 - A municipality assumes the costs for design, construction and maintenance of a BMP within the right-of-way. The municipality receives the full numeric load reduction credit. PennDOT documents and is credited with cooperation, and can reduce the original untreated impervious area amount by the area treated.

Scenario A – Project at the intersection of a local and state road. Utilizing much of the space in one of the quadrants, the municipality asks permission to install a BMP partially within the state right-of-way.

Scenario B – A stretch of state road in an area of controlled growth and no plans for future widening. The municipality wishes to retrofit vegetated filter strips and swales along the roadway shoulders to reduce the untreated impervious area.

Scenario C – A portion of roadway through a borough is curbed. The curb has partially deteriorated and does not provide significant value. The municipality proposes to remove the curb and install vegetated swales.

Condition 2 - PennDOT assumes the costs for design and construction of a BMP within the right-of-way; the municipality agrees to maintain it. The municipality and PennDOT receive shared numeric load reduction credit.

Scenario A – Resurfacing project within the Chesapeake Bay watershed that requires little or no stormwater controls. Leveraging the administrative and mobilization cost savings, the municipality asks PennDOT to install a BMP to treat runoff from a portion of the roadway surface.

Scenario B – Reconstruction project within the watershed of a sediment-impaired stream. Stormwater controls are needed for both the net new impervious area and for reduction of untreated impervious area. Leveraging the efficiencies of adding BMPs to a project where BMPs are already being constructed, the municipality asks PennDOT to install a BMP to further reduce the untreated imperious area.

16. Who should a municipality contact with additional questions related to MS4 coordination?

Municipalities should contact their PennDOT District Office for help with questions related to MS4 permits. The designated point of contact for MS4 matters may vary from District to District; therefore, call the main office number for the District and ask for the MS4 permit coordinator.