



MS4 Permit Frequently Asked Questions

The following is a general primer on the Ferguson Township MS4 program, including what it is and how it is administered in the Township.

1. What is an MS4 Permit and who issues it?

MS4 is an acronym for Municipal Separate Storm Sewer System. It originates from the Clean Water Act, as a Federal mandate, and is administered in Pennsylvania by the Department of Environmental Protection (PA DEP). The permit is issued to local governments (and other designated agencies/owners) who own and operate a separate drainage conveyance system (or systems of conveyance) that collect stormwater and release it at points of discharge to Waters of the Commonwealth. The permits are issued for a five-year period, upon which they must be renewed. The permit for communities under 100,000 population were designated by EPA in 1999 as "small MS4" discharge permits and can be issued by DEP under the terms of a "general" permit, meaning the permit requirements are specific and pre-established, or it can be an "individual" permit meaning the program is custom-tailored by the permittee (and approved by DEP) to address local conditions, specific pollutants and/or unique conditions of the receiving waters.

2. Who is required to comply with MS4?

Generally, MS4 Permits, and the obligation to obtain and manage one, is based on the population density of a community. These dense areas, or cores are known as Urban Areas (UA's), and are determined by the decennial census (with the last one being conducted in 2010).

3. How long has Ferguson Township been an MS4 Permit Holder?

Ferguson Township became an MS4 permittee in 2003. The Township is currently working on its renewal application that will extend the coverage for another five year period. Ferguson Township is regulated under the requirements for an Individual Permit, rather than the General Permit and the current permit expires in August 2018.

5. What if the Township ignores their obligations for MS4?

The permit is a federal mandate, with oversight by the US Environmental Protection Agency (EPA) and administered at the local level by the PA DEP. As such, either entity or both simultaneously can conduct audits and on-site inspections to determine compliance. Failure to comply may result in penalties and fines for non-compliance along with mandates for corrective action.

6. Who oversees making sure that Ferguson Township is compliant with their MS4?

The stormwater program in Ferguson Township is overseen by the Public Works Department, and the Director of Public Works. The Township Engineer provides leadership to implement various aspects of the permit program and drafts the annual report (as required to be submitted to the state each year to document permit compliance efforts).

4. What specific activities are required to be done as part of the MS4 permit?

The MS4 Permit regulations, under a General Permit or an Individual Permit, mandate that the Township develop and implement a stormwater program that focuses on six main elements (known as minimum control measures, or MCM's);

MCM #1 – Public Education and Outreach

This measure includes efforts related to publishing materials and providing public interaction opportunities where stormwater topics can be discussed and the community is educated on good stormwater practices.

MCM #2 – Public Participation & Involvement

This measure includes developing opportunities for the community to participate and assist in the operation of the municipal stormwater program, such as environmental advisory boards, or volunteer water quality samplers, etc.

MCM #3 – Illicit Discharge Detection and Elimination (IDDE)

This measure requires the Township to operate a program of monitoring and reporting on outfalls of the storm sewer system to make sure that no discharge of pollutants occurs (from spills, illegal connections, etc.). Staff will check outfalls and look for odors or visible signs of pollutants (such as oily sheens, foam, etc.)

MCM #4 – Construction Site Runoff

This measure requires that the Township ensure that during construction activities, when lands are being altered and disturbed, runoff is not allowed to transport sediment offsite to the storm sewer system or local waterways.

MCM #5 – Post Construction Runoff Control

This measure requires that the Township ensure that all new development and redevelopment of land manages the amount (volume and peak rate of flow) of runoff that leaves the site.

MCM #6 – Municipal Housekeeping & Pollution Prevention

This measure requires the Township to ensure that all of the Township owned facilities are operated in such a manner that the likelihood of pollution is minimized or eliminated. For instance, facilities must be in place to capture runoff that may flow over surfaces where oil is changed or vehicles are fueled (and could spill). It also requires training of employees to ensure that there is an awareness of potential impacts to water quality from their assigned duties.

These minimum requirements can be addressed through partnership with other regulated communities and/or through assistance from other agencies such as the Centre County Conservation District that provides Construction Site Runoff services on behalf of the Township.

7. Will the MS4 Permit ever change, will it ever go away (i.e., be repealed)?

Since the program is part of a federal program (NPDES Phase 2) and is established in the Clean Water Act as amended by the Water Quality Act of 1987 there is a limited likelihood of repeal. In addition, the Clean Water Act provides various legal mechanisms for citizens to ensure that the program is administered (as a "check and balance" to Federal oversight).

8. How does the MS4 Permit impact Ferguson Township from a cost perspective?

The permit requires that programs be developed, implemented and operated in six key areas with costs associated with the level of effort required to achieve compliance. These costs include expenditures for staff, consultants, materials, construction projects, etc.

In addition, each renewal of the MS4 permit increases the degree of cost required to maintain compliance. For example, the most recent permit standards require "pollutant reduction planning" where projects must be constructed to address the reduction of sediment, phosphorus and nitrogen in the Chesapeake Bay watershed. In addition, in the last permit renewal cycle, compliance with the Total Maximum Daily Load mandates established by either the PADEP or EPA, require compliance planning and project implementation to meet a specific pollutant loading allocation to the permittee.