



**SUGARLOAF TOWNSHIP MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PROGRAM
INSPECTION REPORT**

Sugarloaf Township – 858 Main Street, Sugarloaf, PA 18249

Inspection Date: December 13, 2024

Report Date: January 24, 2025

ECAD ID Number: ECAD-6112

**Standard Industrial Classification (SIC) Code: 4952 – Sewerage Systems
North American Industry Classification System (NAICS) Code: 221320 – Sewage Treatment
Facilities**

**U.S. Environmental Protection Agency, Region 3
Enforcement and Compliance Assurance Division
NPDES Section
Four Penn Center
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103**

Report Prepared by:

Taylor Fontaine

January 24, 2025

Taylor Fontaine
ERG

Date

EPA Region 3 Official:

Mark Zolandz Date
Section Chief, NPDES Section 1
Enforcement and Compliance Assurance Division

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Table 1. Summary of Permit Requirements and Inspection Observations

(The following observations are based on the information provided by Sugarloaf Township).

Program Element	Observations
Overall Program Management	Observation 1: Sugarloaf Township (Township) submitted an incomplete Annual MS4 Status Report for the 2023-2024 reporting period. Observation 2: The Township submitted an inaccurate Annual MS4 Status Report for the 2023-2024 reporting period.
Public Education and Outreach on Stormwater Impacts	Observation 3: Township representatives stated the MS4 has no written Public Education and Outreach Program (PEOP).
Public Involvement/Participation	Observation 4: At the time of the inspection, the Township did not provide documentation of cooperation and participation by the public in MS4 activities.
Illicit Discharge Detection and Elimination (IDDE)	Observation 5: At the time of the inspection, the Township did not provide procedures for program documentation, evaluation, and assessment, nor did they provide records of outfall inspections, observed flows, field screening and testing results, and other follow-up investigative and corrective action work performed. Observation 6: At the time of the inspection, the Township was unable to provide locations for all Township MS4 outfalls and observation points. Observation 7: The MS4 mapping provided by the Township lacked labeling of privately-owned components of the MS4 system where conveyances or BMPs on private property receive stormwater flows from upstream publicly-owned components. Observation 8: At the time of the inspection, the Township was not documenting outfall screenings on the MS4 Outfall Field Screening Report form (3800-FM-BCW0521), or equivalent despite indicating so in their 2023-2024 Annual MS4 Status Report. Observation 9: At the time of the inspection, the Township's Stormwater Management Ordinance, Ordinance No. 3 of 2011 (dated March 8, 2011), was outdated and inconsistent with DEP's 2022 Model Stormwater Management Ordinance (3800-PM-BCW0100j).

MS4 Compliance Inspection Report
Sugarloaf Township, Pennsylvania

Program Element	Observations
Construction Site Stormwater Runoff Control	No areas of concern noted.
Post-Construction Stormwater Management (PCSM) in New Development and Redevelopment	Observation 10: At the time of the inspection, Township representatives were unable to provide Operation and Maintenance (O&M) records for MS4 or privately owned / operated Best Management Practices (BMPs). Observation 11: The Township's inventory of Township owned / operated and privately owned/operated PCSM BMPs was missing Permit-required information. The private BMPs inventory was also missing information.
Pollution Prevention / Good Housekeeping (PPGH)	Observation 12: At the time of the inspection, the Township did not have a written O&M program for MS4 activities. Observation 13: At the time of the inspection, the Township was not ensuring that all personnel involved in the MS4 program participated in annual stormwater training. Township representatives stated they do not have stormwater specific trainings.
Pollutant Control Measures (PCMs) and Pollutant Reduction Plans (PRPs)	Observation 14: At the time of the inspection, the Township had not initiated any of the planned PRP activities to achieve the required load reduction requirements for TSS, TP, or TN.

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INTRODUCTION

On December 13, 2024, one U.S. Environmental Protection Agency (EPA) Region 3 representative and two EPA contractors from Eastern Research Group, Inc. (ERG) (hereinafter, EPA Inspection Team) performed a compliance inspection of Sugarloaf Township's (hereinafter, Township) Municipal Separate Storm Sewer System (MS4). A representative from the Pennsylvania Department of Environmental Protection (PADEP) also joined the EPA Inspection Team to observe. The inspection was conducted to assess the Township's compliance with the requirements of the Commonwealth of Pennsylvania's *National Pollutant Discharge Elimination System (NPDES) General Permit to Discharge Stormwater from Small Municipal Separate Storm Sewer Systems (MS4s)* (NPDES Permit No. PAG132286; hereinafter, Permit). A copy of the Permit is provided in Appendix A.

The purpose of this inspection was to obtain information to assist EPA Region 3 in assessing Sugarloaf Township's compliance with the requirements of the Permit, as well as the implementation status of its MS4 program. The presentation of observations in this report does not constitute a formal compliance determination or notice of violation.

The inspection focused on overall MS4 program management and all Permit minimum control measure components:

- Public Education and Outreach on Stormwater Impacts,
- Public Involvement / Participation,
- Illicit Discharge Detection and Elimination (IDDE),
- Construction Site Stormwater Runoff Control,
- Post-Construction Stormwater Management (PCSM) in New Development and Redevelopment,
- Pollution Prevention / Good Housekeeping (PPGH), and
- Pollutant Control Measures (PCMs) and Pollutant Reduction Plans (PRPs).

The EPA Inspection Team obtained information through a records review and interviews with Township staff. Interviews were conducted during the inspection opening conference and during the field inspection. The following primary representatives participated in the inspection:

Township Representatives	Richard Yost – Township Supervisor; (570) 579-6534, richy@ptd.net;
	Rick Weaver – Township Supervisor; (570) 578-1732, rickw@ptd.net;
	Elizabeth Tolan – Township Manager; (570) 788-3575, sugarloafluzerne@ptd.net;
	Dennis Peters – Township Engineer; (570) 572-4433, dpeters@petersconsultants.com
	Emily Stefanowicz – Township Consultant; (570) 752-4433, ewelles@petersconsultants.com;

EPA Representative	Johannah Jacobson – EPA Region 3; (215) 814-2318, jacobson.johannah@epa.gov
State Representatives:	Paul Grella – MS4 Coordinator, Pennsylvania Department of Environmental Protection (PADEP) Northeast Regional Office, (570) 826-2045, pgrella@pa.gov
EPA Contractors	Taylor Fontaine – ERG; (703) 956-1977, taylor.fontaine@erg.com Kelsey Guy – ERG, (703) 633-1103, kelsey.guy@erg.com

INFORMATION OBTAINED RELATIVE TO PERMIT REQUIREMENTS

The EPA Inspection Team obtained documentation and other supporting information to evaluate compliance with the Permit prior to, during, and after the inspection. Observations regarding the Township’s implementation of permit requirements are presented in this report.

On November 26, 2024, the EPA Inspection Team provided the Township with an emailed inspection notification and a records request that listed documents for review for the inspection, with specific items to be provided prior to the inspection. The Township provided requested documents electronically to the EPA Inspection Team via an email on December 4, 2024. The EPA Inspection Team sent an additional request for documents to the Township after the inspection on December 27, 2024. On January 7, 2025, the Township provided the EPA Inspection Team with a revised stormwater ordinance that was still subject to the Township’s approval process and had not yet been approved; as of this report, no additional documents were received. The EPA Inspection Team reviewed the documentation and other supporting evidence provided by the Township regarding compliance with the Permit. Referenced documentation used as supporting information is provided in Appendix C, Exhibit Log.

The following sections of this report describe the Township’s approach to implementing minimum control measures, relevant Permit requirements, and observations made during the inspection process.

INSPECTION PROCEDURES

On December 13, 2024, the EPA Inspection Team conducted an inspection with representatives from Sugarloaf Township’s MS4 program. The opening conference focused on overall MS4 program management, the six minimum control measures (MCMs) (Public Education and Outreach on Stormwater Impacts, Public Involvement / Participation, IDDE, Construction Site Stormwater Runoff Control, PCSM, PPGH), and the Township’s PRP.

Inspection observations based on information gained during the opening conference and the field inspections are documented in the sections below. At the end of the inspection on December 13, 2024, the EPA Inspection Team presented their preliminary observations to the Township representatives.

The EPA Inspection Team informed the operator that any information that the Township deemed to be confidential business information (CBI) should be identified to EPA

representatives during the inspection and it would be handled as CBI according to EPA's CBI procedures. Township representatives did not identify any information designated as CBI.

Photographs were taken during the inspection by the EPA contractor, Kelsey Guy, and are provided in [Appendix B, Photograph Log](#). Some photographs may be omitted from the log to avoid redundancy but can be made available upon request.

INSPECTION OPENING CONFERENCE

The EPA Inspection Team arrived at the Sugarloaf Township Municipal Building in Sugarloaf, PA at 7:55 AM (EST) on December 13, 2024. The Township's Municipal Building was the central meeting place for the inspection. Kelsey Guy and Taylor Fontaine (ERG) displayed their EPA-issued Clean Water Act inspector credentials to the Township representatives at the outset of the inspection and explained that the purpose of the inspection was to make observations of Sugarloaf Township's MS4 program and observe compliance with its Permit.

The weather during the field inspection on December 13, 2024, was sunny with temperatures averaging approximately 35 degrees Fahrenheit. Table 2 presents National Oceanic and Atmospheric Administration (NOAA) National Weather Service precipitation data for the date of the inspection and the four (4) days prior.

Table 2. Total Precipitation Preceding and During Inspection

Station Name	Date	Precipitation Amount (inches) ¹
BOWMANSTOWN 3.0 WSW, PA US US1PACB0012	December 9, 2024	0.00
BOWMANSTOWN 3.0 WSW, PA US US1PACB0012	December 10, 2024	0.33
BOWMANSTOWN 3.0 WSW, PA US US1PACB0012	December 11, 2024	2.61
BOWMANSTOWN 3.0 WSW, PA US US1PACB0012	December 12, 2024	0.00
BOWMANSTOWN 3.0 WSW, PA US US1PACB0012	December 13, 2024	0.00

SUGARLOAF TOWNSHIP MS4 BACKGROUND AND PROGRAM MANAGEMENT

According to the 2023-2024 Annual MS4 Status Report's PPGH section (refer to [Appendix C, Exhibit 1](#)), the Township's MS4 covers approximately 22.5 square miles and, per the 2020 census, serves approximately 3,900 people. The primary receiving waters are Little Nescopeck Creek and Black Creek. Segments of these waterbodies located within the Township are listed as impaired for aquatic life by acid mine drainage per the PADEP's 2024 Integrated Report.

The Township's MS4 program is administered and implemented by the Township's Manager and the Public Works Department (PWD), as well as the Township Engineer, Peters Consultants, Inc. (Peters). The Township contracted Peters in 2022 to perform engineering services, MS4

¹ Source: NOAA National Climatic Data Center (<http://www.ncdc.noaa.gov/>).

program plan review assistance, MS4 program document submittal, and erosion and sediment site plan reviews. The Township's Manager and Peters assist with MS4 Permit compliance and facilitation. Township representatives explained that the MS4 program is funded through the Township's general fund.

The Township is authorized to discharge stormwater through its MS4 under the current NPDES Permit effective May 9, 2018, until its expiration on May 8, 2023 (refer to [Appendix A](#)). The current permit has been administratively extended to March 15, 2025, per the Township's Annual MS4 Status Report for the 2023-2024 reporting period (refer to [Appendix C, Exhibit 1](#)).

Permit Part A.III.D.1 states, "The permittee shall submit a complete Annual MS4 Status Report using DEP's annual report template (3800-FM-BPNPSM0491) to the DEP regional office that issued General Permit coverage approval by September 30 of each year."

Observation 1: The Township submitted an incomplete Annual MS4 Status Report for the 2023-2024 reporting period (refer to [Appendix C, Exhibit 1](#)). Specifically, the Township did not answer all required Annual MS4 Status Report questions under MCM's 1, 2, 3, 5 and 6.

Observation 2: The Township submitted an inaccurate Annual MS4 Status Report for the 2023-2024 reporting period (refer to [Appendix C, Exhibit 1](#)).

- The EPA Inspection Team observed the following inaccuracies:
 - Under Section II, the Township stated, "Sugarloaf Township covers approximately 1.17 square miles." The Township actually covers approximately 22.5 square miles. It is unclear if the 1.17 square miles is referring to only the urbanized area within Sugarloaf Township.
 - Under Section IV, the Township provided no response for the date of latest annual review of Public Education and Outreach Program (PEOP) and a response of "yes" to updates being made during the 2023-2024 reporting period. At the time of the inspection, the Township representatives stated the MS4 had no written PEOP.

MINIMUM CONTROL MEASURE 1: PUBLIC EDUCATION AND OUTREACH ON STORMWATER IMPACTS

At the time of the inspection, Township representatives stated they had no written PEOP. The Township stated that they developed and maintain a list of target audience groups within the MS4 (refer to [Appendix C, Exhibits 2 and 3](#)). The Township stated that they provide annually reviewed brochures and pamphlets at their MS4 offices to their target audience groups, including Township residents and neighbors, Township staff, the Hazleton Area School District, and businesses and developers in the Township. The Township has a website which includes information relating to stormwater management available to the general public on their Zoning & Planning page (<https://www.sugarloaftwp.org/departments/zoning/>). Educational and informational items on the website provide links to EPA stormwater websites, however the link provided to the PADEP website is outdated, and the site cannot be reached.

Permit Part C.I.B.1.a states, “BMP #1: Develop, implement and maintain a written Public Education and Outreach Program.

- (1) For new permittees, a written Public Education and Outreach Program (PEOP) shall be developed and implemented within one year following approval of coverage under this General Permit, and shall be re-evaluated each year thereafter and revised as needed.
- (2) For existing permittees, the existing PEOP shall be reviewed annually and revised as necessary.”

Observation 3: At the time of the inspection, Township representatives stated the MS4 had no written PEOP.

MINIMUM CONTROL MEASURE 2: PUBLIC INVOLVEMENT / PARTICIPATION

At the time of the inspection, the Township developed, and per their Annual MS4 Status Report, they maintain a written Public Involvement and Participation Program (PIPP) (refer to Appendix C, Exhibit 3). Township representatives stated the PIPP is reviewed annually and revised as needed. Per the Township and their PIPP, the Township holds public meetings to solicit public input and participation in MS4-related activities and document development. Township representatives state these meetings are held monthly and schedules are available on the Township’s website and at the Township’s administrative offices. Township representatives stated they provide notice for all meetings discussing any Township ordinances (i.e., stormwater).

Permit Part C.I.B.2.c states,

- (2) “The permittee shall document and report instances of cooperation and participation in MS4 activities; presentations the permittee made to local watershed organizations and conservation organizations; and similar instances of participation or coordination with organizations in the community.
- (3) The permittee shall also document and report activities in which members of the public assisted or participated in the meetings and in the implementation of the SWMP, including education activities or organized implementation efforts such as cleanups, monitoring, storm drain stenciling, or others.”

Observation 4: At the time of the inspection, the Township did not provide documentation of cooperation and participation by the public within the Township in MS4 activities.

MINIMUM CONTROL MEASURE 3: ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE)

Peters administers the Township’s written IDDE program as attached to the Township’s 2023-2024 Annual MS4 Report Status (refer to Appendix C, Exhibit 1). The Township’s IDDE Program includes standard operating procedures (SOPs) to track, identify, and address unauthorized non-stormwater discharges, while the Township’s *Stormwater Management Ordinance, Ordinance No. 3 of 2011* (dated March 8, 2011) (refer to Appendix C, Exhibit 4), prohibits illicit discharges into the Township’s MS4.

Township representatives stated that the Township's main office receives reports of illicit discharges or emergency situations that involve spills or other types of illicit discharges. Peters will then investigate the source of the reported discharge and initiate response actions if necessary. During the inspection, Peters stated that they would use a certified laboratory for any laboratory analyses needed. Any enforcement actions would be coordinated with the Township's Zoning Officer. During the inspection, Township representatives stated that the Zoning Officer has the authority to enforce the Township's stormwater ordinance. At the time of the inspection, the ordinance was outdated and inconsistent with PADEP's 2022 Model Stormwater Management Ordinance (3800-PM-BCW0100j) (see Observation 10 below).

The Township identified eight (8) MS4 outfalls and four (4) MS4 observation points in their 2023-2024 Annual MS4 Status Report. During the inspection, Township representatives stated that the Township PWD maintains the eight (8) outfalls which they can access and contracts to Biros for the four (4) outfalls that the Township PWD cannot access (i.e., the four observation points). According to Township representatives, Biros maintains the observation points approximately once every five years. However, at the time of the inspection, Peters stated that the only known and mapped outfalls were outfalls 1, 3, 4, 7, and 8, and that they were unsure of observation point locations. Based upon the mapping provided at the time of the inspection (refer to Appendix C, Exhibits 5b and 5c), Peters knew the location of outfall 8 (OF8) and observation point 4 (OP4).

The Township provided the EPA Inspection Team with Township MS4 mapping developed prior to the inspection, as well as two MS4 mapping images during the inspection (refer to Appendix C, Exhibits 5a through 5c). The Township's previous engineer, JTB Engineering, last updated the Township's MS4 mapping in 2015.

Permit Part C.I.B.3.a states, "The permittee shall develop and implement a written program for the detection, elimination, and prevention of illicit discharges into the regulated small MS4. The program shall include the following:

- Procedures for identifying priority areas. These are areas with a higher likelihood of illicit discharges, illicit connections or illegal dumping. Priority areas may include areas with older infrastructure, a concentration of high-risk activities, or past history of water pollution problems.
- Procedures for screening outfalls in priority areas. The program shall include dry weather field screening of outfalls for non-stormwater flows, and sampling of dry weather discharges for selected chemical and biological parameters. Test results shall be used as indicators of possible discharge sources.
- Procedures for identifying the source of an illicit discharge when a contaminated flow is detected at a regulated small MS4 outfall.
- Procedures for eliminating an illicit discharge.
- Procedures for assessing the potential for illicit discharges caused by the interaction of sewage disposal systems (e.g., on-lot septic systems, sanitary piping) with storm drain systems.

- Mechanisms for gaining access to private property to inspect outfalls (e.g., land easements, consent agreements, search warrants) and for investigating illicit connections and discharges.
- Procedures for program documentation, evaluation and assessment. Records shall be kept of all outfall inspections, flows observed, results of field screening and testing, and other follow-up investigation and corrective action work performed under this program...”

Observation 5: At the time of the inspection, the Township did not provide procedures for program documentation, evaluation, and assessment, nor did they provide records of MS4 outfall inspections, observed flows, field screening and testing results, and other follow-up investigative and corrective action work performed.

Permit Part C.I.B.3.b states, “The permittee shall develop and maintain map(s) that show permittee and urbanized area boundaries, the location of all outfalls and, if applicable, observation points, and the locations and names of all surface waters that receive discharges from those outfalls. Outfalls and observation points shall be numbered on the map(s).”

Observation 6: The MS4 mapping provided by the Township lacked Permit-required components (refer to Appendix C, Exhibits 5a through 5c). Specifically, the mapping did not include permittee area boundaries, outfall and observation point locations and numbering, and locations and names of all surface waters that receive discharges from the MS4 outfalls and observation points.

Permit Part C.I.B.3.c states, “In conjunction with the map(s) created under BMP #2 (either on the same map or on a different map), the permittee shall develop and maintain map(s) that show the entire storm sewer collection system within the permittee’s jurisdiction that are owned or operated by the permittee (including roads, inlets, piping, swales, catch basins, channels, and any other components of the storm sewer collection system), including privately-owned components of the collection system where conveyances or BMPs on private property receive stormwater flows from upstream publicly-owned components.”

Observation 7: The MS4 mapping provided by the Township lacked Permit-required components (refer to Appendix C, Exhibits 5a through 5c). Specifically, the mapping did not include the entire storm sewer collection system within the permittee’s jurisdiction, Township-owned and/or -operated nor privately-owned and operated components of the collection system where conveyances or BMPs on private property receive stormwater flows from upstream publicly-owned components.

Permit Part C.I.B.3.d.(4) states, “Each time an outfall is screened, the permittee shall record outfall observations, regardless of the presence of dry weather flow. All outfall inspections shall be documented on the MS4 Outfall Field Screening Report form (3800-FM-BCW0521), or equivalent. The report must be signed by the inspector and be maintained by the permittee in accordance with Part A III.B of this General Permit. If an outfall flow is determined by the

permittee to be illicit, the actions taken to identify and eliminate the illicit flow shall also be documented.”

Observation 8: At the time of the inspection, the Township was not documenting outfall screenings via the MS4 Outfall Field Screening Report form (3800-FM-BCW0521), or equivalent. However, the Township documented that they do use the Outfall Field Screening Report form in their 2023-2024 Annual MS4 Status Report.

Permit Part C.I.B.3.e states, “BMP #5: Enact a Stormwater Management Ordinance or SOP to implement and enforce a stormwater management program that includes prohibition on non-stormwater discharges to the regulated small MS4.

(1) 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 (4th) Annual MS4 Status Report following approval of coverage under this General Permit (new permittees).”

Observation 9: At the time of the inspection, the Township’s *Stormwater Management Ordinance, Ordinance No. 3 of 2011* (dated March 8, 2011), was outdated and inconsistent with PADEP’s 2022 Model Stormwater Management Ordinance (3800-PM-BCW0100j). The Township’s stormwater ordinance did not include or did not include with the following sections:

- Section 109. Erroneous permit,
- Section 110. Waivers,
- Section 305. Riparian Buffers, and
- Section 702. Roof drains and sump pumps.

MINIMUM CONTROL MEASURE 4: CONSTRUCTION SITE STORMWATER RUNOFF CONTROL

The Township relies on Pennsylvania’s statewide program for stormwater associated with construction activities to satisfy this MCM. At the time of the inspection, the Township utilized their *Stormwater Management Ordinance, Ordinance No. 3 of 2011* (dated March 8, 2011), to require the implementation of Erosion & Sediment control BMPs, including sanctions for non-compliance. The Township’s stormwater ordinance was not consistent with PADEP’s 2022 Model Stormwater Management Ordinance (3800-PM-BCW0100j) as described above in Observation 10.

Township representatives stated that development or redevelopment project plans that disturb greater than one acre require the following approval process: the Project Manager submits the plan for review to the Township; the Township Engineer determines if the documentation is complete; the plans are then presented to the Township’s planning committee at their monthly meeting for public input, and then the plans are submitted to the Luzerne County Engineers and Zoning Officer for review and to provide comments on how to proceed. The plans and comments are then returned to the Township for consideration. The Township finalizes the

plans by notifying the PADEP or the Luzerne Conservation District, a PADEP equivalent for this process.

MINIMUM CONTROL MEASURE 5: POST-CONSTRUCTION STORMWATER MANAGEMENT (PCSM) IN NEW DEVELOPMENT AND REDEVELOPMENT (POST-CONSTRUCTION)

Peters administers the post-construction stormwater management program for BMPs #1 through #3 of this MCM. The Township relies on Pennsylvania's statewide program for stormwater associated with construction activities for BMPs #4 through #6 of this MCM.

The Township utilizes their *Stormwater Management Ordinance, Ordinance No. 3 of 2011* (dated March 8, 2011), as the regulatory mechanism for this MCM, including sanctions for non-compliance. The Township's stormwater ordinance was not consistent with PADEP's 2022 Model Stormwater Management Ordinance (3800-PM-BCW0100j) as described above in Observation 10.

During the inspection, Township representatives stated that they encourage the use of Low Impact Development (LID) in new development and redevelopment. The Township's ordinance states in Section 301.I, that "all regulated activities shall include measures to... [t]o the maximum extent practical, incorporate the techniques for Low Impact Development Practices described in the BMP Manual¹," (refer to Appendix C, Exhibit 4).

Section 502 of the Township's stormwater ordinance identifies private BMP owners as the responsible parties for the operation and maintenance of their respective BMPs (refer to Appendix C, Exhibit 4). The Township provided the EPA Inspection Team with their Operation and Maintenance (O&M) of MS4 PCSM BMPs, which identified the Township's Road Master as the responsible party for the MS4's BMPs (i.e., vegetated open channel, extended detention basin, and infiltration basin) (refer to Appendix C, Exhibit 6).

At the time of the inspection, the Township had an inventory of private PCSM BMPs (refer to Appendix C, Exhibit 7). According to Township representatives, if issues are identified at privately-owned BMPs, the Township's DPW communicates to the owner that maintenance is needed, and the owner is responsible for addressing the issue. Issues are typically identified by concerned citizens. If the owner does not comply, Township representatives stated that the Township's stormwater ordinance provides the Township the right to access the property and back bill the owner for maintenance and repair costs. If payment is not made, the Township may enact a lien on the property.

Permit Part C.I.B.5.c states, "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 Permit coverage and shall be continually updated during the term of coverage under the Permit as development projects are reviewed, approved, and constructed. Existing permittees

shall update and maintain their current inventory during the term of coverage under the 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.”

Observation 10: At the time of the inspection, Township representatives were unable to provide O&M records for Township-owned / -operated or private BMPs, stating there may be a logbook of the O&M records for Township-owned / -operated BMPs. Further, Township representatives stated they had boxes of files with O&M records for the privately owned / operated BMPs. The Township did not provide specific examples for the EPA Inspection Team to review.

Observation 11: The Township provided an inventory of Township-owned and/or operated BMPs, but the following information was missing: exact BMP locations, BMP year of installation, actual inspection/maintenance activities conducted for each BMP, and an assessment by the permittee if proper O&M occurred. The Township also provided an inventory of privately owned / operated BMPs, but the following information was missing: exact BMP locations, information for BMP owners and entities responsible for BMP O&M, BMP type and year of installation, actual inspection/maintenance activities conducted for each BMP, and an assessment by the permittee if proper O&M occurred.

MINIMUM CONTROL MEASURE 6: POLLUTION PREVENTION / GOOD HOUSEKEEPING (PPGH)

According to Township representatives, the Township’s PWD conducts all PPGH activities. According to Township representatives, the PWD is responsible for maintenance of Township-owned facilities. The Township identified five (5) specific Township-owned or managed facilities within the MS4 area that have the potential for generating pollution in stormwater runoff (refer to [Appendix C, Exhibit 8](#)). Facilities included 1) Administrative Offices, the Police Department, and associated parking lots; 2) Public Works Department maintenance garage, salt storage shed, gasoline pump refueling station, parking lot and access drive; 3) Sugarloaf Township Fire Department; 4) Joe LaRock Recreation Field; and 5) Tomhicken Recreation Park.

Permit Part C.I.B.6.b requires the Permittee to, “Develop, implement and maintain a written O&M program for all operations that could contribute to the discharge of pollutants from the

regulated small MS4, as identified under BMP #1. This program shall address stormwater collection or conveyance systems within the regulated MS4. The written O&M program shall stress pollution prevention and good housekeeping measures, contain site-specific information, and include the following:

- Management practices, policies, and procedures shall be developed and implemented to reduce or prevent the discharge of pollutants to the regulated small MS4s. The permittee shall consider eliminating maintenance area discharges from floor drains and other drains if they have the potential to discharge to storm sewers.
- Maintenance activities, maintenance schedules, and inspection procedures to reduce the potential for pollutants to reach the regulated small MS4s.
- Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, salt / sand (anti-skid) storage locations and snow disposal areas. Controls for solid chemical products stored and utilized for the principal purpose of deicing roadways for public safety must be consistent with the BMPs for existing salt storage and distribution sites contained in the PAG-03 NPDES General Permit for Stormwater Discharges Associated with Industrial Activity.
- Procedures for the proper disposal of waste, including dredge spoil, accumulated sediments, trash, household hazardous waste, used motor oil, street sweepings, and other debris.”

Observation 12: At the time of the inspection, the Township did not have a written O&M program for MS4 activities and operations that could contribute to the discharge of pollutants from the Township’s MS4.

Permit Part C.I.B.6.c requires the Permittee to, “Develop and implement an employee training program that addresses appropriate topics to further the goal of preventing or reducing the discharge of pollutants from operations to the regulated small MS4. The program may be developed and implemented using guidance and training materials that are available from federal, state or local agencies, or other organizations. All relevant employees and contractors shall receive training (i.e., public works staff, building, zoning, and code enforcement staff, engineering staff, police and fire responders, etc.). Training topics shall include operation, inspection, maintenance and repair activities associated with any of the operations identified under BMP #1. Training must cover all relevant parts of the permittee’s overall stormwater management program that could affect operations, such as illicit discharge detection and elimination, construction sites, and ordinance requirements.”

Observation 13: At the time of the inspection, the Township was not ensuring that all personnel involved in the MS4 program participated in annual stormwater training. Township representatives stated they do not have stormwater-specific training.

POLLUTANT CONTROL MEASURES AND POLLUTANT REDUCTION PLANS (PRP)

Part C II and Appendix D of the Permit require the Township to submit a Pollutant Reduction Plan (PRP) and Chesapeake Bay PRP.

The Township's 2023-2024 Annual MS4 Status Report states that the Township submitted their PRP to PADEP for approval on September 13, 2017, (refer to Appendix C, Exhibit 1). No PADEP approval date was identified within the Township's 2023-2024 Annual MS4 Status Report.

The Township provided the EPA Inspection Team with a revised copy of their PRP from May 7, 2018, but according to the PADEP representative, at the time of the inspection, no final PRP had been received by PADEP. At the time of the inspection, PADEP was still awaiting a final report from the Township. Peters stated that none of the five (5) Township proposed projects had been initiated. The 2018 PRP identifies load reduction requirements for total nitrogen (TN), total phosphorus (TP), and total suspended solids (TSS). At the time of the inspection, the Township had not met their required pollutant load reductions.

Permit Appendix D, Part A requires the Permittee to, "achieve the pollutant load reduction(s) (lbs/year) proposed in its CBPRP within 5 years following DEP's approval of coverage under the General Permit (identified on page 1 of the General Permit). The minimum percent reduction for pollutant loadings of sediment, Total Phosphorus (TP), and Total Nitrogen (TN) shall be 10%, 5%, and 3%, respectively, over the 5-year period following DEP's approval of coverage. Pollutant reduction efficiencies for selected BMPs shall be in accordance with the BMP Effectiveness Values document published by DEP (3800-PM-BCW0100m) or Chesapeake Bay Program Office expert panel reports. The permittee shall submit a report demonstrating implementation of the CBPRP as an attachment to the first Annual MS4 Status Report that is due following completion of the 5th year of General Permit coverage."

Observation 14: At the time of the inspection, the Township had not initiated any of the planned PRP activities to achieve the required load reduction requirements for TSS, TP, or TN.

FIELD OBSERVATIONS

Minimum Control Measure 4: Construction Site Stormwater Runoff Control

Convenience Center Detention Basin Project

Address/Location: 41.028181°, -76.079315°, (Off Route 93 at Old Berwick Road, Sugarloaf)

Relevant Minimum Control Measure (MCM): Construction Site Stormwater Runoff Control

Entry Time: 1:18 PM (EST) December 13, 2024

Exit Time: 1:34 PM (EST)

Description: The Convenience Center Detention Basin Project is located off Route 93 at Old Berwick Road within the Sugarloaf Township and receives stormwater from adjacent business parking lots. The basin is maintained by the Township. The EPA Inspection Team chose this BMP since it was located downgradient of an active construction site. According to the Township representatives, maintenance of the basin is the responsibility of the owner.

Conditions: The EPA Inspection Team made the following observations at the detention basin project:

- 1) The basin embankments had no visible vegetative growth, only dirt (refer to Appendix B, Photographs 1 and 2).
- 2) The basin was protected from the construction activities upgradient by a curb that ran the entire length of the basin's northern boundary (refer to Appendix B, Photographs 1 through 4).
- 3) Peters also stated that stormwater is conveyed from the basin, through the Township's stormwater infrastructure, eventually connecting with PennDOT's stormwater infrastructure prior to reaching an outfall to Little Nescopeck Creek. The EPA Inspection Team requested as-builts or building plans for the basin but did not receive them prior to the drafting of this report.

Minimum Control Measure 5: Post-Construction Stormwater Management (PCSM) in New Development and Redevelopment

Royal Crest Drive Detention Basin

Address/Location: 40.984677°, -76.089858°, (Off Rock Glen Road, Sugarloaf)

Relevant Minimum Control Measure (MCM): PCSM

Entry Time: 1:42 PM (EST) December 13, 2024

Exit Time: 1:59 PM (EST)

Description: The Royal Crest Drive Detention Basin is located along the northeast corner at the intersection of Royal Crest Drive and Rock Glen Road in the Sugarloaf Township. The basin receives stormwater from the adjacent residential area, including upgradient residential construction along Royal Crest Drive. The basin is maintained by a private entity, the property developer. The EPA Inspection Team chose this BMP since Peters expressed this basin experienced flooding due to vegetation overgrowth within the basin. Peters stated that residents are responsible for maintaining the basin. Peters also stated that in April or May of 2024 the Township had to take enforcement action against the developer responsible for the lack of basin maintenance.

Conditions: The EPA Inspection Team made the following observations at the Royal Crest Drive Detention Basin:

- 1) The basin embankment had a significant amount of woody and non-woody vegetative growth, and a chain link fence ran the entire perimeter of the basin (refer to Appendix B, Photographs 5, 6, and 10). No clear access point to enter the basin for maintenance was observed.
- 2) The inlet structures for the basin were mostly clear of any buildup, except minor vegetation (refer to Appendix B, Photographs 8 and 9).
- 3) No obvious blockages of the concrete riser were observed at the time of the inspection.
- 4) The EPA Inspection Team requested as-builts or building plans for the basin but did not receive the documentation at the time of this report.

Minimum Control Measure 6: Pollution Prevention / Good Housekeeping (PPGH)

Sugarloaf Township Public Works Department Facilities and Yard

Address/Location: 41.008627°, -76.079411° (858 Main Street, Sugarloaf, PA 18249)

Relevant Minimum Control Measure (MCM): PPGH

Entry Time: 12:05 PM (EST) December 13, 2024

Exit Time: 1:02 PM (EST)

Description: The Sugarloaf Township PWD Facilities and Yard are all within the Township's Municipal Building's property. The PWD maintenance garage is located a story below the Township's offices and used to maintain vehicles and store materials. Adjacent to this garage was a secondary PWD garage used for vehicle storage and additional materials storage. The municipal yard housed the PWD's salt and aggregate storage and was located along the property's southeast corner. Fueling for municipal vehicles occurs onsite, west of the office and maintenance garage.

Conditions: The EPA Inspection Team made the following observations at the Township's Public Works Department Facilities and Yard:

- 1) Inside the PWD maintenance garage:
 - a. Vehicle fluid storage was in the southeast corner of the garage (refer to [Appendix B, Photograph 11](#)). A 55-gallon barrel of used oil was on top of a wooden pallet. Township representatives stated that when the barrel is full, a PWD employee takes it home for personal use as fuel for heating.
 - b. PWD staff stated they perform oil changes, brake work, and welding for municipal vehicles and equipment, as needed. The maintenance garage had four bays, and each bay had a drain (refer to [Appendix B, Photographs 12 through 15](#)). PWD staff stated they perform fluids work in the northernmost bay (refer to [Appendix B, Photograph 15](#)). PWD staff stated that they cover the floor drain with a large sign during vehicle fluids work (refer to [Appendix B, Photograph 16](#)).
 - c. PWD staff stated they were unsure where the floor drains connected but believed they all connected to the storm drain inlet west of the maintenance garage (refer to [Appendix B, Photograph 17](#)).
 - d. PWD staff stated they use absorbent materials on any spills in the maintenance garage and that the used absorbent materials are stored in a wheelbarrow. PWD staff stated that the used absorbent materials are then deposited outside on the ground by the topsoil storage without any cover or containment.
- 2) At the fueling area:
 - a. The EPA Inspection Team observed two aboveground storage tanks (ASTs) in the municipal yard (refer to [Appendix B, Photograph 18](#)). According to PWD staff, the ASTs are double walled, and the gasoline tank had a capacity of 1,000-gallons and the diesel tank had a capacity of 2,000-gallons.
 - b. The EPA Inspection Team observed the storm drain inlet located a few feet north of the ASTs connected to an outlet leading towards the western boundary of the municipal yard (refer to [Appendix B, Photographs 17 through 21](#)). The outlet

- opening was approximately 300 feet east of Nescopeck Creek (refer to [Appendix B, Photograph 22](#)).
- c. Based on observed sloping across the municipal yard, stormwater would generally flow in a western direction from the municipal buildings, through the municipal yard, and toward Nescopeck Creek.
 - d. No spill kit was observed.
- 3) At the storage garage:
- a. Inside the garage the PWD staff stored vehicles, equipment, and empty tanks, as well as diesel exhaust fluid (DEF) and antifreeze, each in their own 55-gallon barrel on the floor (refer to [Appendix B, Photographs 23 through 25](#)).
 - b. A floor drain ran almost the entire length of the storage garage floor (refer to [Photographs 25 through 29](#)). Evidence of vehicle fluids spills and unknown pooled liquids were observed on multiple floor surface areas, as well as next to and on top of the floor drain (refer to [Appendix B, Photographs 26 through 29](#)). PWD staff stated they believed this drain also connected to the storm drain inlet west of the maintenance garage and south of the storage garage (refer to [Appendix B, Photograph 17](#)).
- 4) At the topsoil storage area:
- a. The Township stored topsoil near the municipal yard's western boundary (refer to [Appendix B, Photographs 30 and 31](#)).
 - b. Two metal bins were located west of the topsoil pile (refer to [Appendix B, Photograph 31](#)). One bin contained ash and unknown metals remnants (refer to [Appendix B, Photograph 32](#)).
 - c. At the time of the inspection, the EPA Inspection Team did not observe any used absorbent materials on the ground by the topsoil storage.
- 5) At the aggregates and salt storage area:
- a. The Township's storage structure for aggregate storage and salt and cinders mixed materials was located in the southeast most corner of the municipality's yard (refer to [Appendix B, Photographs 33 and 34](#)). At the time of the inspection, PWD staff were loading a truck with salt (refer to [Appendix B, Photograph 35](#)). The structure was covered and enclosed on three sides. The EPA Inspection Team observed evidence of salt and cinder migration from the storage area in a northwestern direction (refer to [Appendix B, Photographs 36 through 39](#)). Based on observed sloping, the aggregate storage and salt and cinders was approximately 800 feet north of Nescopeck Creek.
 - b. Additional aggregate storage was located approximately 100 feet west of the salt storage shed (refer to [Appendix B, Photograph 40](#)). Further west of this storage, the EPA Inspection Team observed waste batteries and two 55-gallon barrels full of an unknown material stored without cover and without containment (refer to [Appendix B, Photograph 41](#)).
 - c. Overgrown grass was observed in a conveyance that ran through the yard's south and southwest fields with multiple piped connections (refer to [Appendix B, Photographs 42 and 43](#)).

- d. A petroleum spill occurred at the time of the inspection in front of the aggregate storage (refer to Appendix B, Photograph 44). The EPA Inspection Team did not observe any actions taken to clean the spill at the time of the inspection.

CLOSING CONFERENCE

After the field inspections, the EPA Inspection Team met with the Township representatives and PADEP for a closing conference. The EPA Inspection Team shared preliminary observations with the Township representatives and PADEP. The EPA Inspection Team reiterated to the Township representatives that all preliminary observations discussed were not compliance determinations. Any and all preliminary observations shared were subject to further investigation by EPA upon the additional review of records and documentation. Additional observations may be contained in this inspection report that were not identified at the time of the closing conference after EPA reviewed additional materials following the inspection.

The inspection concluded at approximately 2:39 PM (EST).