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**BOROUGH OF ARCHBALD, PENNSYLVANIA  
MUNICIPAL SEPARATE STORM  
SEWER SYSTEM (MS4) PROGRAM  
OFFSITE COMPLIANCE REVIEW REPORT**

**Review Dates: August 2, 3, and 5, 2021**

**Report Date: August 25, 2021**

**Unique Project Identifier: 3E21WN028A**

**U.S. Environmental Protection Agency, Region III  
Water Protection Division  
Office of NPDES Enforcement (3WP42)  
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August 25, 2021  
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**Table 1. Summary of Permit Requirements and Review Observations**

| <b>Program Element</b>                                     | <b>Observations</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Overall Program Management                                 | No areas of concern noted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| MCM 3 (Illicit Discharge Detection and Elimination (IDDE)) | <p>Observation 1. The Borough has not developed and implemented a written Illicit Discharge Detection and Elimination (IDDE) plan that includes all Permit-required elements.</p> <p>Observation 2. The Borough does not target educational outreach for specific audiences regarding illicit discharge detection and elimination.</p>                                                                                                                                                                         |
| MCM 5 (Post-Construction Stormwater Management)            | <p>Observation 3. The Borough did not have procedures in place to ensure proper operation and maintenance (O&amp;M) is being implemented at privately-owned post-construction stormwater management control (PCSM) best management practices (BMPs).</p> <p>Observation 4. The Borough did not develop a PCSM BMP inventory by the end of their first year of Permit coverage.</p> <p>Observation 5. The Borough's inventory of publicly owned PCSM BMPs does not include all Permit-required information.</p> |
| MCM 6 (Pollution Prevention and Good Housekeeping)         | <p>Observation 6. The Borough's O&amp;M manual does not include procedures for proper disposal of street sweepings and catch basin cleaning debris.</p>                                                                                                                                                                                                                                                                                                                                                        |
| Pollutant Reduction Plan (PRP)                             | No areas of concern noted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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## INTRODUCTION

On August 2, 3, and 5, 2021, staff from U.S. Environmental Protection Agency (EPA) Region 3 and EPA's contractors, PG Environmental (hereinafter, EPA Review Team) conducted an offsite compliance review of the municipal separate storm sewer system (MS4) program of Archbald Borough, Pennsylvania (hereinafter, Borough or Permittee). Representatives of the Pennsylvania Department of Environmental Protection (DEP) also attended the offsite review. The offsite review was conducted to assess the Borough's compliance with the requirements of Pennsylvania's *National Pollutant Discharge Elimination System (NPDES) Individual Permit (IP) for Discharges from Small Municipal Separate Storm Sewer Systems (MS4s)* (NPDES Permit No. PAI132249; hereinafter, the Permit), effective April 1, 2019 – March 31, 2024. A copy of the Permit is included as Appendix A.

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

The review focused on the following Permit components:

- Overall Program Management
- Illicit Discharge Detection and Elimination (IDDE)
- Post Construction Stormwater Management (PCSM) in New Development and Redevelopment
- Pollution Prevention/Good Housekeeping
- Pollutant Reduction Plans (PRP)

The EPA Review Team obtained its information through a records review and a series of interviews via conference calls with Borough representatives. A copy of the EPA records request and review agenda is included in Appendix B. The following primary representatives were involved in the review:

|                        |                                                         |
|------------------------|---------------------------------------------------------|
| Borough                | Mr. Robert Turlip – Borough Manager                     |
| Representatives:       | Mr. Brian Dulay – Code Enforcement Official             |
|                        | Mr. Tom Mancuso – Councilman                            |
|                        | Mr. Dave Moran – Councilman                             |
|                        | Mr. Michael Zielinski – Street Forman                   |
|                        | Ms. Stephanie Milewski – Barry Isett & Associates, Inc. |
|                        | Mr. Don Totino – Barry Isett & Associates, Inc.         |
|                        | Mr. Tony Grizzanti – Consultant, KBA Engineering        |
| EPA Representatives:   | Mr. Peter Gold – EPA Region 3                           |
| State Representatives: | Mr. Brian Burden – PA DEP                               |
| EPA Contractors:       | Ms. Tiffany Brackett – PG Environmental                 |
|                        | Mr. Taylor Fontaine – PG Environmental                  |

## **BOROUGH OF ARCHBALD BACKGROUND**

The Borough encompasses approximately 17.1 square miles of land in Lackawanna County in northeastern Pennsylvania. The 2010 U.S. Census population total for the Borough was 6,984. The Borough's urbanized areas are located within five sub-watersheds of the Lackawanna River: Aylesworth Creek, Laurel Run, Indian Cave Creek, White Oak Run, and Wildcat Creek. The Lackawanna River is a tributary to the Susquehanna River and ultimately the Chesapeake Bay. The Borough is made up of commercial establishments on the western side, industries on the eastern side, and primarily residential mixed with some light industry in the central portion of the Borough.

The Borough's MS4 program was established in 2019, when the Permit became effective. The Borough Manager is responsible for overseeing implementation of the program. Multiple Borough departments (e.g., Department of Public Works and Code Enforcement) are responsible for implementing various MS4 program activities at the direction of the Borough Manager. Additionally, the Borough hired two contractors, Barry Isett & Associates, Inc. and KPI Technologies (KPI), for assistance with fulfilling the Permit requirements. Barry Isett & Associates, Inc. develops MS4 program documents and procedures, compiles annual reports, conducts outfall screening, maintains the Borough's MS4 mapping in a geographic information system (GIS), and provides employee trainings. KPI assists with MCM 5: Post-Construction Management (PCSM) in New Development and Redevelopment by performing plan reviews and some design work.

The Borough has no formal agreements with neighboring MS4 communities but does utilize various educational outreach material and programs developed by the Lackawanna Conservation District. Additionally, Lackawanna Conservation District assists the Borough in implementing MCM 5; details are further described in the MCM 5 section of this report.

The Borough's Stormwater Management Program (SWMP) contains sections for each minimum control measure as described in the Permit and describes the best management practices (BMPs) that will be implemented by the Borough to comply with the requirements of the Permit (refer to [Appendix D, Exhibit 1](#)). The Borough's *Stormwater Management Ordinance* was adopted on August 30, 2017 to provide the Borough with the necessary legal authority to prohibit non-stormwater discharges and require stormwater management for new development and redevelopment (refer to [Appendix D, Exhibit 2](#)). The provisions of the Borough's stormwater ordinance appear consistent with DEP's 2022 Model Stormwater Management Ordinance (3800-PM-BCW0100j).

The Borough funds the MS4 program through a general fund. The Borough does not have a stormwater fee or tax. The Borough is actively exploring additional funding options by applying for various types of grants. The Borough recently used grant funding to construct a rain garden on South Laurel Street by the ball field.

## **INFORMATION OBTAINED RELATIVE TO PERMIT REQUIREMENTS**

The EPA Review Team provided the Borough with a written list of requested records on July 14, 2021 (refer to [Appendix B](#)). The Borough made numerous documents available electronically to the EPA Review Team on July 29, 2021. During discussions with the Borough

representatives, the EPA Review Team requested additional program documentation. The Borough provided the requested documents to the EPA Review Team electronically on August 2, 2021.

During the review, the EPA Review Team obtained documentation and other supporting evidence regarding compliance with the Permit. Referenced documentation used as supporting information is provided in Appendix D, Exhibit Log.

The following sections of this report describe the Borough's approach to implementing specific minimum control measures, the relevant Permit requirements, and observations made during the review.

### **MINIMUM CONTROL MEASURE 3: ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDD&E)**

**Permit Part C.I.B.3.a (IDD&E)** states that the permittee must "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, and 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 illicit discharges caused by the intersection of sewage disposal systems (e.g., on lot septic systems, sanitary piping) with storm drains.
- 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 screenings and testing, and other follow-up investigation and corrective action work performed under this program.
- Procedures for addressing information or complaints received from the public."

**Observation 1:** At the time of the review, the Borough had not developed and implemented a written IDDE plan that includes all Permit requirements. As part of the EPA records request, the Borough provided a copy of their SWMP as well as Outfall Screening Reports for conducting IDDE activities, both of which include some guidance and procedures for illicit discharge activities (refer to Appendix D, Exhibits 1 and 3); the SWMP includes a written IDDE plan on page 5. However, the written plan in the SWMP and procedures in the Outfall

Screening Reports may not include all the required permit elements for a written IDDE program. Specifically, the SWMP and report forms do not include specific procedures for identifying priority areas and screening outfalls specifically in those areas, procedures for eliminating illicit discharges, procedures for assessing the potential for illicit discharges caused by the interaction of sewage disposal systems with storm drain systems, or mechanisms for gaining access to private property to investigate illicit discharges and connections. The Borough conducts dry weather screening of all of its outfalls on an annual basis which may limit the need for identifying priority areas.

**Permit Part C.I.B.3.f (IDD&E)** states that all permittees must “provide educational outreach to public employees, business owners and employees, property owners, the general public and elected officials (i.e., target audiences) about the program to detect and eliminate illicit discharges.”

**Observation 2:** Borough representatives explained that the Borough’s stormwater outreach is general and is not targeted for specific audiences. The Borough provided the EPA Review Team examples of their educational materials (refer to [Appendix D, Exhibit 4](#)). These materials generally comprised Facebook postings regarding stormwater, information about Borough recycling events, and screenshots of general stormwater postings by the Lackawanna River Conservation Association. The information provided was general and not targeted for specific audiences regarding illicit discharge detection and elimination.

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

**Permit Part C.I.B.5.c (Post Construction Stormwater Management)** states that all permittees must “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.”

The Borough SWMP states that, “BMP#1, BMP#2, AND BMP#3 are handled by Lackawanna County Conservation District” (refer to [Appendix D, Exhibit 1](#)). BMPs 1-3 of MCM 5 in the SWMP are to: (1) develop a written program, (2) require the implementation of a combination of structural and/or non-structural BMPs to maintain pre-development runoff conditions, and (3) ensure post construction controls are installed correctly. The Borough provided a document titled “Responsible Parties for the National Pollution Discharge Elimination System (NPDES) Individual Permit to Discharge Stormwater from Small Municipal Separate Storm Sewer System (MS4s)” (refer to [Appendix D, Exhibit 5](#)), which identifies Lackawanna County Conservation District and Archbald Borough as the responsible parties for MCM 5. Specifically, Borough representatives stated the Lackawanna County Conservation District reviews all PCSM BMPs. KPI also assists with MCM 5 by performing plan reviews.

**Observation 3:** Borough representatives explained that there are no procedures in place to ensure adequate operation and maintenance (O&M) of PCSM BMPs. However, the Borough's Stormwater Management Ordinance requires O&M of post construction stormwater controls (refer to Appendix D, Exhibit 2).

The Borough enters into maintenance agreements with property owners or developers. These agreements require proper long-term O&M of PCSM BMPs and are recorded by deed in the land records for Lackawanna County Planning Department. Agreements are a covenant on the property when a change of ownership occurs. According to Article V, Section 502(A) of the Borough's Stormwater Ordinance, "Prior to final approval of the SWM Site Plan, the property owner shall sign and record an Operation and Maintenance (O&M) Agreement (see Appendix A) covering all stormwater control facilities which are to be privately owned." Borough representatives stated that although they require O&M agreements, they do not have procedures in place for ensuring proper long-term O&M is being implemented for privately-owned PCSM BMPs.

**Permit Part C.I.B.5.c (Post Construction Stormwater Management)** states "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; and
- 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 4:** The Borough did not complete a PCSM BMP inventory by the end of their first year of permit coverage. The Annual Municipal Separate Storm Sewer System Status Report for the Period of April 1, 2019 – June 30, 2020 (Annual Report) provided by the Permittee checks "no" for the question "Do you have an inventory of all PCSM BMPs that were installed to meet requirements in NPDES Permits for Stormwater Discharges Associated with Construction Activities approved since March 10, 2003" found on page 8 (refer to Appendix C). The Borough provided an inventory to the EPA Review Team

which included two PCSM BMPs (refer to Appendix D, Exhibit 6). However, during the review, Borough representatives stated they were in the process of updating the inventory to send as part of the annual report to DEP in September. Maps provided by the Borough identify multiple post-construction BMPs including: “BMP wetponds”, “BMP infiltration berms”, and “BMP basins” (refer to Appendix D, Exhibit 7). The maps provided did not indicate when the identified PCSM BMPs were installed and if they should be included in the inventory.

- Observation 5:** The EPA Review Team reviewed the PCSM inventory and found it contained many, but not all, of the elements required by the Permit (refer to Appendix A). Specifically, the PCSM inventory did not include the following:
- The exact location of the PCSM BMP (e.g., 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 actual inspection/maintenance activities conducted for each BMP; and
  - 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.

#### **MINIMUM CONTROL MEASURE 6: POLLUTION PREVENTION / GOOD HOUSEKEEPING**

**Permit Part C.I.B.6.b (Pollution Prevention / Good Housekeeping)** states that the Permittee must “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:

...

- Procedures for proper disposal of waste, including dredge spoil, accumulated sediments, trash, household hazardous waste, used motor oil, street sweepings, and other debris.”

- Observation 6:** The Borough document titled “Borough of Archbald Operation and Maintenance Manual (O&M) for Municipal Operations” does not include procedures for the proper disposal of debris from catch basin cleaning and street sweeping (refer to Appendix D, Exhibit 8). The Basin and Storm Drain System Cleaning, 4. Maintenance Procedures section states that the Borough will “Properly dispose of debris” but does not elaborate on what steps and procedures should be followed for disposal. Borough representatives stated that the Borough disposes debris from catch basin cleaning and street sweeping at a privately-owned location.

## **POLLUTANT CONTROL MEASURES AND POLLUTANT REDUCTIONS PLANS**

**Permit Part C.II.B.1** requires the Permittee to develop a PRP because the MS4 has “at least one MS4 outfall that discharges to surface waters within the Chesapeake Bay watershed, or otherwise has at least one discharge to storm sewers owned or operated by a different entity within the Chesapeake Bay watershed.”

**Permit Part C.II.B.2** requires the Permittee to develop a PRP because the MS4 has “at least one stormwater outfall that discharges to waters impaired for nutrients (i.e., nitrogen and/or phosphorus) and/or sediment (i.e., siltation), and a TMDL has not been approved for such waters, or a TMDL has been approved but no wasteload allocation (WLA) has been assigned by the TMDL for the permittee’s discharge(s).”

The Borough provided their PRP which was originally developed in 2018 by Barry Isett & Associates, Inc. A public meeting to review the PRP was held on September 12, 2018. The meeting was advertised in the local newspaper and on the Borough’s webpage. After the meeting, the PRP went to public comment, but no comments were received. The PRP was approved by the DEP on March 6, 2019. The Borough, with assistance from Barry Isett & Associates, Inc., completed an initial assessment of the MS4 in the fall of 2020. The Borough was awarded a grant for one of the BMPs defined in the PRP, a rain garden. The rain garden was installed with the help of local volunteers. At the time of the review, the Borough was actively seeking additional grant funding to aid in the installation of other BMPs.