



## Legislation Details (With Text)

<b>File #:</b>	2021-2337	<b>Version:</b>	1
<b>Type:</b>	Resolution	<b>Status:</b>	Passed Finally
<b>File created:</b>	12/10/2021	<b>In control:</b>	Committee on Land Use and Economic Development
<b>On agenda:</b>	12/14/2021	<b>Final action:</b>	12/28/2021
<b>Enactment date:</b>	12/28/2021	<b>Enactment #:</b>	944
<b>Effective date:</b>	12/30/2021		
<b>Title:</b>	Resolution authorizing the Mayor and the Director of the Department of City Planning and the Director of the Department Permits, Licenses, and Inspections to enter into an Agreement with the Pittsburgh Water and Sewage Authority with the intent of delineating each party's obligations with respect to completion of each Minimum Control Measure "MCM" required for NPDES permit #PAI136133.		
<b>Sponsors:</b>			
<b>Indexes:</b>	AGREEMENTS		
<b>Code sections:</b>			
<b>Attachments:</b>	1. 2021-2337 Cover Letter-Municipal Separate Storm Sewer System-converted, 2. Summary 2021-2337		

Date	Ver.	Action By	Action	Result
12/30/2021	1	Mayor	Signed by the Mayor	
12/28/2021	1	City Council	Passed Finally	Pass
12/20/2021	1	Standing Committee	Affirmatively Recommended	Pass
12/14/2021	1	City Council	Read and referred	

Resolution authorizing the Mayor and the Director of the Department of City Planning and the Director of the Department Permits, Licenses, and Inspections to enter into an Agreement with the Pittsburgh Water and Sewage Authority with the intent of delineating each party's obligations with respect to completion of each Minimum Control Measure "MCM" required for NPDES permit #PAI136133.

WHEREAS, the City and the PWSA are co-permittees under the National Pollutant Discharge Elimination System ("NPDES") Individual Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems ("MS4"), permit #PAI136133; and

WHEREAS, the City is the municipality in which the MS4 resides and the PWSA is the water, wastewater, and stormwater authority located within the City and shall maintain the Stormwater Management System; and

WHEREAS, the United States Environmental Protection Agency "EPA" in their Administrative Order on Consent issued January 15, 2021, requires "Implementation of procedures with the capability to implement an inspection and enforcement program in accordance with Permit requirements by January 28, 2022. This may include implementation of MOUs with Allegheny County Conservation District, Allegheny County Health District, and other agencies, as necessary, to ensure the Respondents retain oversight and responsibility of the programs."

WHEREAS, after consultation with the EPA and the Pennsylvania Department of Environmental Protection

“DEP,” the DEP requested that a Agreement be entered into between the City and the PWSA, to clarify responsibilities for each Minimum Control Measure (“MCM”) and that the Agreement be submitted with the completed application for the NPDES permit; and

WHEREAS, the DEP instructed that the application update would be considered incomplete without the submission of an Agreement between the City and the PWSA, that delineated each party’s obligations with respect to completion of each MCM; and

WHEREAS, to achieve the MCMs listed in NPDES permit #PAI136133 and to further comply with the regulatory requirements of the United States Environmental Protection Agency (EPA) and the Pennsylvania Department of Environmental Protection (DEP) under the Clean Water Act 33 U.S. C. § 1251, et seq. and the Pennsylvania Clean Streams Law, as amended, 35 P.S. § 691.1, et seq., the PWSA has established a Stormwater Division to oversee certain stormwater management responsibilities for the City; and

WHEREAS, the primary roles and responsibilities of PWSA’s Stormwater Division include the planning, design, implementation, and maintenance of stormwater related Capital Projects that may reduce localized flooding and Combined Sewer System overflows at the rivers while improving the water quality health of streams and waterways. The parties intend to document remaining responsibilities relating to stormwater in a separate agreement or agreements to follow this Agreement focusing on MS4 compliance.

**Be it resolved by the Council of the City of Pittsburgh as follows:**

**Section 1.** The Mayor and the Director of the Department of City Planning and the Director of the Department of Permits, Licenses, and Inspections, are authorized to enter into an agreement with the Pittsburgh Waters and Sewage Authority, in order to delineate each party’s obligations with respect to completion of each MCM required for NPDES permit #PAI136133 and to further comply with the regulatory requirements of the United States Environmental Protection Agency (EPA) and the Pennsylvania Department of Environmental Protection (DEP) under the Clean Water Act 33 U.S. C. § 1251, et seq. and the Pennsylvania Clean Streams Law, as amended, 35 P.S. § 691.1, et seq.

**Section 2.** Said Agreement or Agreements shall be approved by the City Solicitor as to form.