



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION



Bureau of Clean Water

# **PAG-02**

# **NPDES General Permit Reissuance**

## **WRAC Meeting**

November 16, 2023

Josh Shapiro, Governor

Jessica Shirley, Interim Acting Secretary

# General Information

- NPDES General Permit for Discharges of Stormwater Associated with Construction Activities
- Current permit expires December 7, 2024
- Workgroup consisting of DEP and County Conservation District staff met 15 times over 2022-2023 to propose recommendations
- Incorporates certain changes in anticipation of the final PCSM Manual

# PCSM BMP → PCSM SCM

- **Stormwater Control Measure (SCM)** – any natural feature or manmade structure designed or utilized to reduce or manage the volume, pollutant load, or peak rate of stormwater runoff.

# Notices of Intent (NOI)

- Proposing to modify the deadline to submit an NOI from 60 days to 90 days prior to planned construction commencement.
- All existing permittees will need to submit a Renewal NOI by December 7, 2024.

# ▶ Earth Disturbance/Impervious Area Thresholds

- Proposed threshold of 100 acres of earth disturbance
- Proposed threshold of 25 acres of new impervious surfaces
- Existing projects may continue coverage if remaining work is under those thresholds

# Residential Impervious Surfaces

- New questions about post-construction impervious surface area on the NOI
- For stormwater analysis, residential subdivisions will be expected to use:
  - The maximum area of impervious surface for a lot under a municipal ordinance, OR
  - The anticipated impervious area with a factor of safety of at least 10%
- Addresses issues with additional impervious surfaces added during construction
- Also decreases administrative burden from permit amendments

# Impairment Causes

- The 2019 permit requires the use of non-discharge alternatives or ABACT BMPs when discharging to surface waters impaired for siltation, turbidity, suspended solids, water/flow variability, flow modifications/alterations, or nutrients.
- DEP's Integrated Water Quality Report has renamed several of these causes since 2019.
- The 2024 issuance is proposed to include siltation, turbidity, TSS, **algae**, **eutrophication**, nutrients, flow regime modifications, and **habitat alterations**.

# Dewatering Water

- Proposed requirements for construction dewatering water
  - Discharges would need to be treated by an approved series of at least two BMPs
  - If waters are impaired (siltation, turbidity, TSS), permittee would need to monitor daily for turbidity.

# Instrument Recording

- The 2019 permit requires proof of the legal instrument recording for PCSM BMPs (now SCMs) with submission of an NOT or transfer application.
- The 2024 permit would require submission of the full recording and proof of recording initially, prior to scheduling the pre-construction meeting. It would also still be required at NOT submission.

# Site Inspections

- Site inspections should be conducted by qualified personnel
- Three options to demonstrate qualifications:
  - Qualified Site Inspector Training Program (coming soon to Clean Water Academy)
  - Certified Professional in Erosion and Sediment Control (CPESC) or Certified Erosion, Sediment, and Stormwater Inspector (CESSWI)
  - Submit documentation of training and experience and receive written approval from DEP/CCD

# Confirmation Testing for Infiltration

- For infiltration-based SCMs:
  - Post-construction testing would be required to determine whether as-built infiltration rates are within a tolerance range of the design rate. Corrective action would be necessary if outside the tolerance range.
  - Results will be submitted with the SCM Construction Certification Form.

# Annual Report

- New requirement to be submitted each year by December 7
- Provides information on the status of the project
- Similar to other NPDES General Permit Requirements

# SCM Construction Certification Form

- New requirement to document structural PCSM SCMs
- To be signed by a licensed professional and submitted to DEP/CCD within 30 days of completion
- Correlates to the draft PCSM Manual

# ▶ New Property Owner Notification Form

- Require permittees that sell property that contains or will contain PCSM SCMs to provide a copy of the Form to the new property owner
- Will also need to provide record drawings and long-term O&M Plan
- Due to DEP/CCD within 30 days of property transfer

# Corrective Action

- The permittee shall repair or replace any E&S BMP or PCSM SCM within 24 hours of discovery by the permittee, co-permittee, an operator co-permittee, or DEP/CCD of a failure in the BMP or SCM to effectively control pollution unless otherwise extended by DEP/CCD in writing

# Other Changes

- Authorized Non-Stormwater Discharges
  - Specific non-stormwater discharges that are authorized with earth disturbances. This is consistent with other DEP stormwater general permits.
- Clarifying requirements around imported fill and soil/groundwater contamination
- Module Updates
  - E&S Module 1
  - PCSM Module 2
- Various Form/Instruction Updates

# Training

- A PAG-02 Training Course is being created within Clean Water Academy
- Includes lessons such as:
  - A description of the changes between the 2019 and 2024 issuances
  - Completing the NOI
  - Explanation of the various forms such as the Annual Report and SCM Construction Certification Form

# Questions?

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