



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

BUREAU OF POINT AND NON-POINT SOURCE MANAGEMENT

TO: Regional Clean Water Program Managers  
Assistant Regional Directors

FROM: Lee A. McDonnell, P.E. *LAM*  
Director

RE: Program Clarification  
Permit Coordination – NPDES and WQM Permit Applications

DATE: March 5, 2013

The Department's Clean Water Program receives National Pollutant Discharge Elimination (NPDES) and Water Quality Management (WQM) permit applications to authorize the construction, operation and discharge of pollutants from sewage, industrial waste, industrial stormwater and agricultural facilities and other activities including the application of pesticides and beneficial use of biosolids. New projects often require additional permits from the Clean Water Program or other regional programs. In certain geographic areas, coordination with outside agencies has historically been done for new projects and even NPDES permit reissuance.

The Department's Policy for Permit Coordination (021-2000-301) offers flexibility on coordinating the issuance of permits by acknowledging that simultaneous permit issuance may not be possible or recommended for all projects. The purpose of this program clarification document is to provide further guidance to staff and management in the Clean Water Program on permit coordination. This program clarification supplements other existing guidance on this topic for permits issued by the Clean Water Program.

The following provides common scenarios encountered by the Clean Water Program and the Bureau's recommendations for each:

- **NPDES and WQM Permits for New Sewage and Industrial Waste Treatment Facilities**  
– Both NPDES and WQM permits are required before operation of the new facilities and discharges to surface waters may commence. In such cases the NPDES permit may be issued prior to issuance of the WQM permit and prior to the receipt of a WQM permit application. The NPDES permit could contain a provision that discharges may not commence until the Department issues a WQM permit.

Conversely, WQM permits should not be issued prior to the issuance of an NPDES permit if the Department is aware that a discharge to surface waters is intended.

Sewage planning approval must be obtained prior to issuing NPDES and WQM permits for new sewage projects (see 25 Pa. Code § 92a.36).

- **WQM Permits and 102/105 Permits for New Projects** – A permit or approval is required under Chapter 102 for most earth disturbance activities. A permit or registration under Chapter 105 is required for stream obstructions, crossings, etc. Construction in floodplains may require a permit under Chapter 106. Most new construction projects involving sewage and industrial waste facilities require one or more of these permits, approvals or registrations. In such cases the WQM permit may be issued prior to issuance of the permits, approvals or registrations required under Chapters 102, 105 and 106. If this is done, the WQM permit should include a requirement to secure the necessary permits, approvals or registrations under Chapters 102, 105 and 106 prior to beginning construction. The condition should also require that if the permits, approvals or registrations under Chapters 102, 105 and 106 necessitate changes to the design of facilities, an application for an amendment to the WQM permit must be submitted. Note that relocation of treatment units for mitigation purposes under these Chapters, which do not include treatment process design changes, can generally be addressed when the post-construction certification is submitted in accordance with the WQM permit requirements.
- **NPDES Permit Coordination with DRBC** – DRBC receives copies of NPDES permit applications and prepares dockets. Approval of dockets has historically been coordinated with issuance of Department permits. Moving forward, the Department will not coordinate issuance of NPDES permits with docket approvals unless 1) the Clean Water Program Manager determines it is more efficient to coordinate the permits with docket approvals due to the possibility that permits issued prior to docket approval may need to be amended after the docket is approved, or 2) coordination with docket approvals is deemed appropriate by the Regional Director and/or Assistant Regional Director. If the Department moves forward with issuing the NPDES permit prior to the DRBC docket approval, a special condition should be inserted into the NPDES permit requiring the permittee to secure its DRBC docket approval.