

## **General NPDES Permit-PAG-02 Stormwater Discharges Associated with Construction Activities**

### **Background**

Effective Nov. 19, 2010, the Pennsylvania Department of Environmental Protection (DEP) revised 25 *Pa. Code* Chapter 102 to require that a person proposing an earth disturbance activity that involves equal to or greater than one acre of earth disturbance, or an earth disturbance on any portion, part or during any stage of a larger common plan of development or sale that involves equal to or greater than one acre of earth disturbance, shall obtain either an individual National Pollutant Discharge Elimination System (NPDES) permit or coverage under a general NPDES permit for stormwater discharges associated with construction activities prior to commencing the earth disturbance activity. These regulations implement the U.S. Environmental Protection Agency federal NPDES regulations for stormwater discharges established under the authority of the Clean Water Act. PAG-02 was developed to satisfy these requirements.

### **Project Qualifications**

The proposed user of a PAG-02 should carefully review all conditions and requirements to determine if the project qualifies for authorization. All conditions of the PAG-02 must be met in order to qualify for use of the permit. If the proposed user is unsure if the project qualifies or meets the conditions for a PAG-02, they can visit DEP's website to view a sample copy of the PAG-02 permit or contact the appropriate DEP regional office or a delegated county conservation district to discuss application requirements. Many notices of intent for coverage under a PAG-02 authorization are delayed or not granted because potential permittees submit incomplete, insufficient or inaccurate applications. Please pay special attention to the following list of reasons which may result in permit registration review delays or returns:

1. The proposed project does not meet all of the terms and conditions of the general permit (GP) being registered.
2. The supporting information fails to correspond to the project description.
3. The applicant/consultant fails to submit a complete and technically adequate application.
4. There is missing information associated with erosion and sediment (E&S) control plans or post construction stormwater management (PCSM) plans, incomplete or missing data forms, threatened or endangered species clearance not provided, post construction stormwater volume not managed, project location information not provided, etc.

### **Application Process**

The operator of the construction activity is responsible for obtaining the NPDES stormwater permit and is the party(ies) that either individually or collectively must meet the following criteria:

1. Has oversight responsibility of earth disturbance activity on a project site, or a portion thereof, and has the ability to make modifications to the E&S plan or site specifications; and/or
2. Has day-to-day operational control over earth disturbance activity on a project site or a portion thereof to ensure compliance with the E&S plan.

Operators who are not the permittee shall become co-permittees. Operators can include, but are not limited to: the landowner, the developer, the general contractor or an individual contractor.

### **Environmental Considerations**

The following are some of the key environmental considerations when using the PAG-02:

#### ***E&S Control Plans***

NPDES construction stormwater permits emphasize pollution prevention through the use of E&S control best management practices (BMPs). Guidance for preparing an E&S plan, as well as BMP specifications that meet the Chapter 102 requirements, can be found in DEP's *Erosion and Sediment Pollution Control Program Manual* (363-2134-008). The 25 *Pa. Code* Chapter 102 regulations also identify 15 components that each E&S plan must contain.

### **Post Construction Stormwater Management (PCSM) Plans**

A PCSM plan must be prepared and implemented to identify the BMPs that will be installed to manage and treat the stormwater discharge to protect water quality after construction activities are terminated. Such BMPs should be designed to meet the requirements contained in Chapter 102. Such requirements include maximizing volume control technologies, eliminating (where possible) or minimizing discharges to surface waters, preserving the integrity of stream channels, and protecting the physical, biological and chemical qualities of the receiving surface water. Permittees and co-permittees are responsible for proper installation of the PCSM plan BMPs prior to the submission of the Notice of Termination of this permit. For more information on PCSM plans, please refer to the *Pennsylvania Stormwater Best Management Practices Manual* (363-0300-002).

### **Preparedness, Prevention and Contingency (PPC) Plans**

If the potential exists for causing pollution of air, land or water, or for causing endangerment of public health and safety through accidental release of toxic, hazardous or other polluting materials, the permittee or co-permittee must develop a PPC plan. The PPC plan shall be developed in accordance with regulations in 25 Pa. Code Chapters 102.11(a)(4), 91.33 and 91.34. The PPC plan shall identify areas which may include, but are not limited to, waste management areas, raw material storage areas, temporary and permanent spoils storage areas, maintenance areas, and any other areas that may have the potential to cause non-compliance with the terms and conditions of this general permit due to the storage, handling or disposal of any toxic or hazardous substances such as oil, gasoline, pesticides, herbicides, solvents, etc. BMPs shall be developed and implemented for each identified area. The PPC plan shall be maintained on-site at all times and shall be made available for review at DEP or authorized conservation district's request. For more information on PPC plans, please refer to the technical guidance document, *Guidelines for the Development and Implementation of Environmental Emergency Response Plans* (400-2200-001).

For more information, visit [www.dep.state.pa.us](http://www.dep.state.pa.us), keyword: NPDES construction and erosion control. Find information on contacting the local county conservation district at: [pacd.org/your-district/find-your-district](http://pacd.org/your-district/find-your-district) or contact the local DEP office staff at one of the following regional offices:

### **WATERWAYS AND WETLANDS PROGRAM**

**Northwest Regional Office**  
230 Chestnut St.  
Meadville, PA 16335-3481  
814-332-6984

*Butler, Clarion, Crawford,  
Elk, Erie, Forest, Jefferson,  
Lawrence, McKean,  
Mercer, Venango and  
Warren*

**Southwest Regional Office**  
400 Waterfront Dr.  
Pittsburgh, PA 15222-4745  
412-442-4315

*Allegheny, Armstrong,  
Beaver, Cambria, Fayette,  
Greene, Indiana, Somerset,  
Washington and  
Westmoreland*

**North-central Regional Office**  
208 W. Third St., Suite 101  
Williamsport, PA 17701-6448  
570-327-0529

*Bradford, Cameron,  
Centre, Clearfield, Clinton,  
Columbia, Lycoming,  
Montour, Northumberland,  
Potter, Snyder, Sullivan,  
Tioga and Union*

**South-central Regional Office**  
909 Elmerton Ave.  
Harrisburg, PA 17110-8200  
717-705-4802

*Adams, Bedford, Berks, Blair,  
Cumberland, Dauphin,  
Franklin, Fulton, Huntingdon,  
Juniata, Lancaster, Lebanon,  
Mifflin, Perry and York*

**Northeast Regional Office**  
2 Public Square  
Wilkes-Barre, PA 18701-1915  
570-826-2511

*Carbon, Lackawanna,  
Lehigh, Luzerne, Monroe,  
Northampton, Pike,  
Schuylkill, Susquehanna,  
Wayne and Wyoming*

**Southeast Regional Office**  
2 East Main St.  
Norristown, PA 19401-4915  
484-250-5970

*Bucks, Chester, Delaware,  
Montgomery and Philadelphia*

DEP Central Office  
Bureau of Waterways Engineering and Wetlands  
Division of NPDES Construction and Erosion Control  
P.O. Box 8460  
Harrisburg, PA 17105-8460  
717-787-3411  
Fax 717-772-0409