

Individual NPDES Permit for 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 or phase 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 (EPA) federal NPDES regulations for stormwater discharges established under the authority of the Clean Water Act.

Project Qualifications

The proposed user of an individual NPDES construction stormwater permit should carefully review all permit terms and conditions to determine if the project qualifies for authorization. All terms and conditions of the individual permit 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 an individual permit, they can contact the appropriate DEP regional office or county conservation district to discuss application requirements. Individual permits also may contain project specific permit conditions that must be met to use the individual permit. Some activities which require an individual NPDES permit include:

1. Activities in special protection watersheds;
2. Activities prohibited from coverage under 25 *Pa. Code* Chapter 92a; and
3. Activities otherwise listed in the PAG-02 general permit as ineligible.

Many notices of intent for coverage under an individual permit 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 permit being registered.
2. The supporting information fails to correspond to the project description.
3. The applicant/consultant fails to submit a complete application.
4. The applicant/consultant fails to submit a technically adequate application.

Responsibilities of Operators

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

Environmental Considerations

The following are some of the key environmental considerations when using the PAI-Individual NPDES permit.

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 and PAI application 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 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 including concrete and gasoline, 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 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's or 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, keyword: NPDES construction and erosion control. Find information on contacting the local conservation district at: pacd.org/your-district/find-your-district or contact the local DEP office 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