



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION



Bureau of Clean Water

PAG-02

NPDES General Permit Reissuance

Agricultural Advisory Board Meeting

February 21, 2024

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 *Pennsylvania Post-Construction Stormwater Management (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 (NOIs)

- All existing permittees will need to submit a Renewal NOI by December 7, 2024.

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

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

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

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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