

May 8, 2007

Instructions for the Interim Expedited Review Option for  
NPDES Permit Applications for Stormwater Discharges Associated with Construction  
Activities

Now that the first round of training on the Pennsylvania Stormwater Best Management Practices (BMP) Manual is well underway across the state, the Department of Environmental Protection (DEP) is offering an option of an expedited review of the Post Construction Stormwater Management (PCSM) Plan to applicants for an Individual NPDES Permit for Stormwater Discharges Associated with Construction Activities (NPDES Permit). To qualify, the NPDES applicant must include the following with their Request for Expedited Permit Review:

1. An administratively and technically complete application package including all items on the NPDES Permit Application Checklist checked and clearly labeled. Of particular interest are: a complete antidegradation analysis as required by 25 Pa. Code Section 93.4c for Special Protection waters (See attached Antidegradation Analysis Example Format), and a PCSM Plan that clearly identifies the layout, size and sequence of actions; applies BMPs consistent with the site characteristics and meets applicable performance and water resource protection requirements as outlined in the BMP Manual.
2. A. In municipalities with local stormwater ordinances adopted as a result of an Act 167 plan approved by DEP since January 1, 2005 or an NPDES Municipal Separate Stormwater System (MS4) permit, a letter from the municipality is required stating that:
  - i. The municipality's stormwater ordinances are consistent with a DEP approved Act 167 Plan or, where applicable, an ordinance adopted under an MS4 permit, and
  - ii. The PCSM Plan meets applicable local stormwater ordinances without variance, waiver or other exemptions, except where the municipal ordinance is contradictory to DEPs BMP Manual.

Or

B. In municipalities without current local stormwater ordinances required pursuant to an Act 167 plan approved by DEP since January 1, 2005 or MS4 permit, an operation and maintenance plan, including executed agreements with responsible parties that have adequate resources and the financial and legal capacity to fulfill long-term PCSM BMP operation and maintenance requirements, is required.
3. A qualified Licensed Professional such as Professional Engineers (PE), Professional Land Surveyors (PLS), Professional Geologist (PG), or Landscape Architects (LA) must seal the NPDES Permit application and associated PCSM Plans and specifications to the extent the professionals are eligible under the applicable licensing law. A PG, PLS, or LA may seal NPDES Permit applications, PCSM Plans and specifications for nonstructural and the following

structural stormwater BMPs - Vegetated Swales, Vegetated Filter Strips, Infiltration Berms and Retentive Grading, Riparian Buffer Restoration, Landscape restoration, Soil Amendment and Restoration, and Floodplain Restoration.)

Documentation prepared by the licensed professional who is sealing the documents must be included that demonstrates that he/she:

- a. Has completed a DEP, or a DEP recognized, BMP Manual training,
- b. Utilized the BMP Manual principles and Work Sheets in the PCSM design plans and specifications, and
- c. Will be in responsible charge of the design, installation oversight and final certification of stormwater management BMPs for the project

These applications are public noticed for the required 30 comment period. A request for Public Hearing filed during this time will disqualify an application for the expedited review process.

Applications submitted under this option that do not meet all of the requirements set forth in these instructions will be returned as denied and may be used as a measure of the licensed professional's demonstrated proficiency in the Stormwater Management Program to qualify future requests for the Expedited Application Review process.

Applicants for Individual NPDES Stormwater Permits that are requesting the Expedited Application Review Option for PCSM must clearly state that request in a cover letter accompanying the application including the items as described above. Submissions should be sent to the normal office for Individual NPDES Stormwater Permit applications – the DEP Regional Office or delegated conservation district.

Applications for Individual NPDES Stormwater Permits that meet the requirements set forth in this interim guidance will be given priority for DEP review with the expectation of final permit action within 30 calendar days of receipt of a final application meeting the above requirements and public notice. (See attached Schedule). The DEP Regional Offices will log and track applications received for PCSM review from conservation districts in meeting the 30 day completion schedule under the Expedited review Option.

Delegated conservation districts will continue to process NPDES General Permit Notices of Intent, including administrative review of PCSM Plans in accordance with current DEP procedures. An additional alternative for the expedited review of PCSM plans for Individual NPDES Stormwater Permit applications that meet the above requirements will be included in revisions to the delegation agreements that address PCSM Plan technical reviews by county conservation districts. This alternative, including the 66 day processing time commitment, will be available through conservation districts once revised delegation agreements are executed.

