

Changes to Chapter 102 NPDES Individual Permitting Process



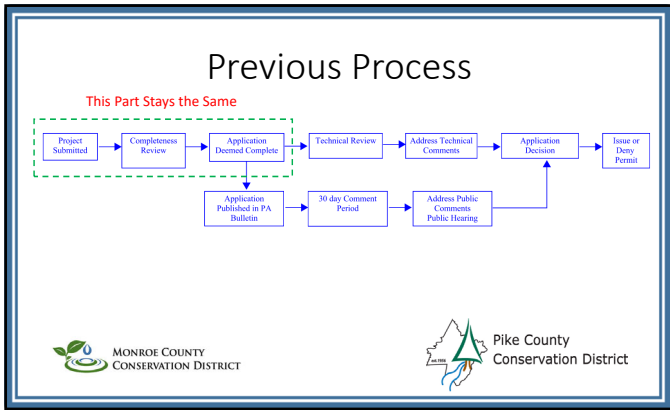
Previous Process

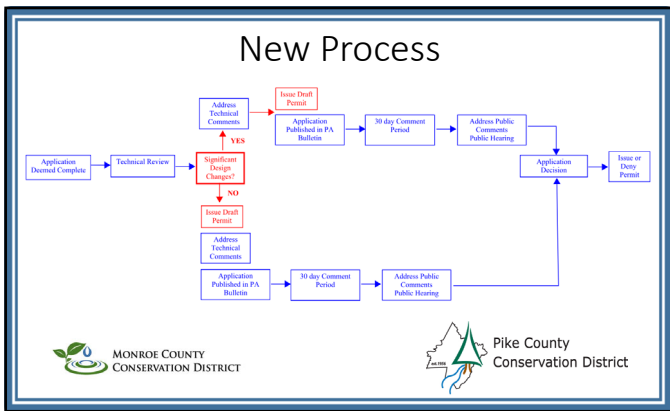


Why Changes?

- Other DEP Programs Issue NPDES “Draft Permits” and Publish in PA Bulletin prior to formal approval.
- Creates consistent process for Chapter 102 Program that is similar to other programs.
- Public review and comment was based on “outdated” plans.
- Receiving public comments on issues which are being addressed in technical review process
- The project scope and design that is approved can be significantly different than design at the completeness phase.









Minor Technical Deficiencies (no significant changes)

- Deficiencies can be addressed within 30 business days (correction period) without substantive re-design
- Likely that Permit will be issued once deficiencies are resolved
- No Need for Permit Special Conditions or the Special Conditions have been included in the Draft Permit

Minor Technical Deficiencies (no significant changes)

Documents to Applicant, Engineer:

- NPDES Draft Permit Letter and Technical Deficiency Letter
- Draft Permit (*Same as Final Permit with Draft Watermark*)
- Public Notice for Posting on Property
- Fact Sheet (*DEP Form justifying issuing the Permit*)

DEP Advertises Application in PA Bulletin to Begin 30 Day Public Comment Period



Draft Permit Letter with Technical Deficiencies

The Department of Environmental Protection (DEP) has prepared the enclosed **draft Individual NPDES Permit** for Discharges of Stormwater Associated with Construction Activities ("Draft Individual NPDES Permit") for your review and comment.

Also enclosed is a **copy of a public notice** that, in accordance with DEP regulations at 25 Pa. Code § 92a.82(b), you are **required to post near the entrance to your premises** and, if the facility or discharge location is remote from these premises, at the entrance to the facility (project site) or at the discharge location. These postings shall remain for 30 days.

DEP will publish notice of the draft permit in the Pennsylvania Bulletin in the near future. You may provide written comments on the draft permit up to 30 days following publication of this notice. Following the 30-day public comment period (which may be extended by 15 days at DEP's discretion), DEP will consider any comments received and make a decision on whether to issue a final permit.

Please be advised that your application contains technical deficiencies that must be corrected prior to DEP taking final action on your application. The technical deficiencies void the permit decision guarantee and any agreements that have been made regarding the timeline for the permit application review. DEP will continue to follow the permit review process in the review and processing of this permit application.



Public Notice

NPDES PUBLIC NOTICE

Application for National Pollutant Discharge Elimination System (NPDES) Permit
for Discharges of Stormwater Associated with Construction Activities

Northeast Regional Office: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, Pa 18701, 570.826.2511

The Department of Environmental Protection (DEP) has received an application for an Individual NPDES Permit from the applicant named below to authorize discharges of stormwater associated with construction activities from the project site named below to surface waters of the Commonwealth.

Applicant:
 Applicant Address:
 Application Number:
 Project Site Name:
 Project Site Address:
 Municipality / County:
 Total Earth Disturbance Area:
 Surface Waters Receiving Stormwater Discharges:
 Project Description:

The Department of Environmental Protection (DEP) has made a tentative decision to issue an Individual NPDES Permit to the applicant named above. Interested persons may submit written comments to DEP at the address above for DEP's consideration in taking a final action on the permit application. You may also review the permit application file by contacting DEP's File Review Coordinator at 570.826.2511.



Major Technical Deficiencies (significant changes)

- Technical Deficiency Letter Issued
- Draft Permit Issued, PA Bulletin Publishing Occurs when the Deficiencies are resolved
- Draft Permit Process the Same as Previously Noted
 - Draft Permit Letter (without technical deficiency section)
 - Public Notice Posting
 - Fact Sheet
 - PA Bulletin Publishing



Significant Changes After Draft Permit

- Return to Initial Technical Review Step
- Requires Second Draft Permit and Second PA Bulletin Publishing
- Consider Voluntary Withdrawal for Project
- Applications which are ultimately denied go through the same process
 - Denial is a permit Decision



Considerations

- Evaluate the timing of your NPDES Submittal with other review and approvals:
 - Municipal, PennDOT Approvals
- PA Bulletin Publishing Period is really a 6 weeks process (time to publish in bulletin +30 days)
- Public can request an extension of the 30 day review period.
- Public can request a public hearing.
- Conservation Districts– Use Completeness reviews to identify significant design issues prior to Technical Review.
- Quality of Submissions



Questions ?

