

Common Plan of Development or Sale

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Objectives

- Learn what is a common plan of development or sale is.
- Identify how it relates to the 102 program
- Discuss why is a common plan of development a thing
- Resources for more information



EPA definition (defined in its GP)

- “A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one common plan. The ‘common plan’ of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.”



Pike County
Conservation District

How does “Common Plan” relate to the 102 program

- 102.5 (a) states that other than agricultural plowing or tilling activities, animal heavy use areas, timber harvesting activities or road maintenance activities, a person proposing an earth disturbance activity that involves equal to or greater than 1 Ac of ED, or an ED on any portion, part, or during any stage of, a larger common plan of development or sale that involves equal to or greater than 1 acre of ED shall obtain a NPDES IP or NPDES GP.



Where does this come from?

- Instituted to close the “Parceling” loophole in the regulations.



Resources

- Pre Application meetings are the best resource.
- Frequently Asked Questions (FAQ) Final, May 3, 2019

