Chapter 102
Permitting Updates

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Learning Objectives

• Introduce the DRAFT PAG-01 permit
• Discuss the major changes to PAG-02
  • Eligibility
  • Expiration
  • Training
  • Standards for Best Management Practices (BMPs)

Proposed PAG-01

• Applies to projects proposing earth disturbance of more than one acre but less than five acres
• Simplify preparation and reviews of Post Construction Stormwater Management (PCSM) plans for small projects
• Limit areas of Impervious Surfaces
• Sustainable green solutions (disconnection practices)
Potential Eligibility Requirements
(not comprehensive):
• Not eligible in Special Protection waters
• Discharges to combined sewer systems are not eligible
• Projects must be on the same or contiguous tax parcels (except off-site support activities)
• No runoff from off-site impervious areas may flow onto the project site
*requirements may be different in final version of PAG-01*

PAG-02

Major Changes in PAG-02
• Expiration of coverage
• Permittee assurance of personnel training
• Prohibition of certain discharges
• E&S and PCSM Plan design modules
• Contaminated/Regulated Fill
PAG-02 Expiration of Coverage

• 2017 PAG-02:
  • Coverage granted for five (5) years
  • Had to renew coverage end of that five (5) years

• 2019 PAG-02:
  • Coverage will be granted until December 7, 2024

PAG-02 Required Training

• 2017 PAG-02:
  • No specific training requirements identified in permit

• 2019 PAG-02:
  • Permittee is responsible for ensuring that all personnel conducting work on the project site relating to earth disturbance are aware of, understand, and have adequate qualification and training to carry out earth disturbance activities

PAG-02 Prohibition of Certain Discharges

• 2017 PAG-02 – Impaired Waters:
  • No net change in volume, rate or water quality for impaired waters unless analysis demonstrates discharge will not cause or contribute to impairment

• 2019 PAG-02 – Impaired Waters:
  • Non-discharge alternatives or Anti-degradation Best Available Combination of Technology (ABACTs) BMPs must be implemented to waters impaired for siltation, suspended solids, turbidity, water/flow variability, flow modifications/alterations or nutrients
PAG-02 Prohibition of Certain Discharges

• 2017 PAG-02 – Total Maximum Daily Load (TMDL) Waters:
  • E&S and PCSM Plans must include implementation measures consistent with TMDL

• 2019 PAG-02 – TMDL Waters:
  • Non-discharge alternatives or ABACT BMPs must be implemented to waters impaired for siltation, suspended solids or nutrients, and Waste Load Allocation (WLAs) must be met, if applicable

ABACT BMPs

• All projects in the Chesapeake Bay watershed will need to propose non-discharge or ABACT BMPs for E&S and PCSM – PAG-02 only
• Not required for current PAG-02 coverage unless there is a major amendment for increased earth disturbance.

E&S and PCSM Plan Design Modules

• 2017 PAG-02:
  • No templates but detailed checklists

• 2019 PAG-02:
  • E&S and PCSM Modules that will serve as the narrative components of E&S and PCSM Plans (detailed checklists eliminated)
PAG-02 and Contaminated/Regulated Fill

- May be revised in near future
- Soils are considered contaminated if pollutant concentrations exceed residential or non-residential medium specific concentrations (MSCs) for residential or non-residential sites, respectively (Chapter 250, Appendix A)
- Disturbance of these soils cannot be done under PAG-02 unless a site-specific standard has been met or the applicant provides documentation of naturally occurring contamination.

Overview

- Carefully review the changes within the 2019 PAG-02
- Expiration date of December 7, 2024
- Read the NOI instructions, FAQ document and provided DEP guidance

PAG-02 and Individual Permits
Learning Objectives

- Learn about new procedures and concepts in permitting
- Identify new forms
- Learn how to complete the new forms
- Discuss the PCSM Spreadsheet and identify when it should be used

New Procedures in Permitting

- PAG-02 NOI and IP application can be used for any application type, except Transfer.

<table>
<thead>
<tr>
<th>GENERAL INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOI Type</td>
</tr>
</tbody>
</table>

- New Permit Coverage-Instructions will guide applicant on what is required
- A copy of NOI/Individual Permit application form and General Information Form (GIF) for IPs is required to be submitted to DEP Regional Office prior to submittal (do not send plans)
- (New) Major Amendments-any new information must be presented in **bold text**

New Procedures in Permitting

- PCSM / E&S Plan Revision date blocks
  - Title/cover sheet should show the most current revision date.
- Renewals-applicant must submit:
  - NOI/Application with general information, applicant information, eligibility information and the compliance history and certification sections completed
  - Letter certifying no revisions to the approved E&S or PCSM plans are being made which streamlines reviews
- If changes are proposed, the appropriate amendment box should be checked. Refer to DEP guidance document on amendments. (major amendments do not extend the permit term)
- Major amendment and renewal on IP = new 5-year term
New Procedures in Permitting

- Implementation of Permit Conditions
  - PAG-02 (Part C XV.D) and IP
    - A training log must be kept on-site and made available upon request from EPA, DEP, or CCD staff.
    - Training log = communication log

Municipal and County Notifications

- New Forms
  - Forms have signature area for applicant and county/municipality
- Send a copy of the instructions with the form
- Acceptable for application completeness
  - Form signed by applicant and proof of receipt by county/municipality
  - Form signed by applicant and county/municipality representatives

Standard Operating Procedures

- Fees (including CCD-specific fees) must be resolved prior to considering an NOI for completeness (Section III)
- Minor Deficiencies: If the 1st completeness review comments are minor such that they may be addressed in two (2) working days CCD/DEP may call to notify you of the deficiencies to see if you can get them resolved in two days. We may also follow up with an email.
- If completeness comments are not of a minor nature, a completeness letter will be sent. There will only be one written incompleteness letter per submittal.
- Completeness notification letters may now be sent via email instead of regular mail.
Ineligible / Denial / Withdrawal

• Ineligible
  • DEP disturbed acre fees not refunded

• Denial
  • Occurs after resubmittal of deficient information
  • DEP disturbed acre fees are not refunded and cannot be reused upon resubmittal

• Withdrawal
  • Fees not refunded; however, DEP disturbed acre fee can be used for resubmittal of the exact same project

Review and Response Timeframes

<table>
<thead>
<tr>
<th>Type of Permit</th>
<th>Review Completeness</th>
<th>Review Response Due by applicant</th>
<th>Technical Review Completeness</th>
<th>Technical Review Response Due by applicant</th>
<th>Review and Response Timeframes</th>
</tr>
</thead>
<tbody>
<tr>
<td>PAG-02 (old)</td>
<td>Minor deficiencies</td>
<td>35 business days (45 calendar days)</td>
<td>22 business days (33 calendar days)</td>
<td>60 calendar days (possible extension 60 days)</td>
<td>22 business days</td>
</tr>
<tr>
<td>PAG-02 (new)</td>
<td>Minor deficiencies</td>
<td>35 business days (45 calendar days)</td>
<td>22 business days (33 calendar days)</td>
<td>60 calendar days (possible extension 30 days)</td>
<td>22 business days</td>
</tr>
<tr>
<td>Individual</td>
<td>Minor deficiencies</td>
<td>35 business days (45 calendar days)</td>
<td>22 business days (33 calendar days)</td>
<td>60 calendar days (possible extension 30 days)</td>
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</tr>
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</table>

Pre-Application Meeting

• Highly recommended
• (NEW) Complete a Pre-Application Meeting Request Form
  • Include plan, location map and detailed description of project
• Utilize Permit Application Consultation Tool (PACT) on DEP website to aid in permit coordination
PAG-02 Notice of Intent (NOI) & Individual NPDES Permit Application

• (New) Broken into two separate forms, December 8, 2019
• Please read the instructions and Standard Operating Procedures provided
• Instructions not only explain how to complete the NOI/application but also provide program clarification and guidance
• (New) Modules are utilized. Some common, some unique to NOI/application (more on this later)

NOI / Application

Applicant Information Section

<table>
<thead>
<tr>
<th>PAG-02 NOI Only</th>
<th>APPLICANT INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Organization Name or Registered Polluter Name</td>
<td>2. Employer (if any)</td>
</tr>
<tr>
<td>3. Individual Last Name</td>
<td>First Name</td>
</tr>
<tr>
<td>4. Mailing Address Line 1</td>
<td>Mailing Address Line 2</td>
</tr>
<tr>
<td>5. Address Line 1 – City State ZIP+4 Country</td>
<td>6. Name of Applicant Position</td>
</tr>
<tr>
<td>7. Applicant Contact Title</td>
<td>First Name</td>
</tr>
<tr>
<td>8. Phone E-mail</td>
<td>9. Fax</td>
</tr>
</tbody>
</table>

NOI / Application

Eligibility Information Section

PAG-02 NOI Only

[Table with detailed eligibility information]

[Logo: Pike County Conservation District]
**NOI / Application**

**Existing Permits Section**

<table>
<thead>
<tr>
<th>Type of Permit</th>
<th>Permit No.</th>
<th>Date Issued</th>
<th>Issued By</th>
</tr>
</thead>
</table>

**Project Site Information Section**

<table>
<thead>
<tr>
<th>Project Site Name</th>
<th>Total Project Site Area</th>
<th>Acres</th>
</tr>
</thead>
</table>

**Operator Information Section**

<table>
<thead>
<tr>
<th>Operator Name</th>
<th>Contact Name</th>
<th>Operator Address</th>
<th>Operator City, State, Zip</th>
<th>Operator’s Responsibilities</th>
<th>Operator’s Role in Project</th>
<th>Operator’s Responsibilities</th>
</tr>
</thead>
</table>


Discharge points are all engineered structures, drainageways and areas of concentrated flow where runoff leaves a project site, except for areas of shallow concentrated flow that are controlled by perimeter BMPs. For example, water filtering through a compost sock should not be considered a discharge point.

Discharge points are not only pipes (i.e., outlets from BMPs) but also include areas where stormwater flows will concentrate by natural means or by design and areas of concentrated flow prior to level spreaders or other diffusion of flows.

Discharge points may be situated at or near surface waters or at another location, at or prior to the project site boundary.
NOI / Application
Stormwater Discharges Information Section (continued PAGE 02 NOI Only)

<table>
<thead>
<tr>
<th>DISCHARGES TO IMPAIRED WATERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are stormwater discharges anticipated to impair waters during or following construction activities?</td>
</tr>
<tr>
<td>If yes to #1, is a derogation module 1 attached to the application?</td>
</tr>
<tr>
<td>Is there an IMP, an IMP, or an IMP, for the impaired waters?</td>
</tr>
<tr>
<td>If yes to #3, is there a WLO(5) in the WLO(5) that would apply to the applicant's discharges?</td>
</tr>
<tr>
<td>If yes to #5, explain in the space provided or in a separate attachment how the discharge will comply with the WLO(5).</td>
</tr>
</tbody>
</table>

NOI / Application
Discharges to Impaired Waters Section
IP Application Only

NOI / Application
Certification Sections
E&S Module 1

• Required for all NOIs/applications
• Serves as the narrative component required for all E&S Plans
• Directions may vary based upon type of NOI/application
• Calculations will likely need to be attached

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2/21/2020
Table 1 is not required for PAG-02 or IP

1. Identify the following information relating to permanent stabilization measures on an E&S Plan (drawings and identify the

2. E&S Plan (Drawing No.)

3. Identify the following information relating to permanent stabilization measures on an E&S Plan (drawings and identify the

4. E&S Plan (Drawing No.)

5. Consider the procedures that will be taken to ensure that recycling or disposal of materials associated with or from the project site will be conducted properly.

6. Identify whether the potential exists for thermal impacts to surface waters from the earth disturbance activity. If such

7. Identify whether the potential exists for thermal impacts to surface waters from the earth disturbance activity. If such

8. Identify whether the potential exists for thermal impacts to surface waters from the earth disturbance activity. If such

9. Identify whether the potential exists for thermal impacts to surface waters from the earth disturbance activity. If such
PCSM Module 2

• Required for all NOIs / applications
• Serves as the narrative component required for all PCSM Plans
• Directions may vary based upon type of NOI/application
• Information provided in Module 1 does not have to be repeated.

PCSM Module 2

1. Describe the sequence of PCSM BMP implementation in relation to earth disturbance activities and a schedule of inspections for the critical stages of PCSM BMP installation.

2. Plan drawings have been developed for the project and will be available on-site.

3. Plan drawings have been developed for the project and are attached to the NOI/application.

4. Recycling and proper disposal of materials associated with PCSM BMPs are addressed as part of long-term operations and maintenance of the PCSM BMPs.

5. Identify waterborne or air borne emissions or soil conditions that may have the potential to cause pollution after earth disturbance activities are completed and PCSM BMPs are operational and the applicant’s plan to avoid or minimize potential pollution and its impacts.
PCSM Module 2

7. Identify whether the potential exists for thermal impacts to surface waters from post-construction stormwater. If such potential exists, identify BMPs that will be implemented to avoid, reduce or mitigate potential thermal impacts.

8. The PCSM Plan has been planned, designed and will be implemented to be consistent with the DSR Plan.

9. A pre-development site characterization has been performed.

PCSM Module 2

[Table and text not clearly visible due to quality of the image]
• Required for all IP applications with discharges to special protection (HQ/EV) surface waters or waters impaired for siltation, suspended solids, turbidity, water/flow variability, flow modifications/alterations, or nutrients.

• Slight difference between PAG-02 and IPs
Riparian Buffer Module 4

- Required for all IP applications where the earth disturbance activity or project site will be within 150 feet of a intermittent or perennial river, stream, creek, lake, pond or reservoir with a designated use of HQ or EV.
2/21/2020

NOI / Application Checklists

- Detailed checklists have been replaced with the PAG-02 NOI Checklist (3800-PM-BCW0405c) and IP Checklist (3800-PM-BCW0408c).
- These checklists should be completed with the NOI/application and submitted as part of the NOI/application.
- Purpose is to ensure a complete NOI/application package.
Differences: PAG02 vs IP

- Required use of non-discharge or ABACT BMPs
  - PAG-02 – discharges to impaired waters (with or without a TMDL) and discharges to waters covered by a TMDL, including Chesapeake Bay
  - IP – discharges to impaired waters (with or without a TMDL) and special protection waters
- Modules 3 and 4 for IP use only, when applicable

Differences: PAG02 vs IP

- Effective Date:
  - PAG-02: Same as issuance date
  - IP: 1st day of month following issuance date
- Expiration Date:
  - PAG-02: December 7, 2024
  - IP: 5 years minus one day following effective date

Differences: PAG02 vs IP

- Permit:
  - PAG-02: Must be issued as published
  - IP: Site-specific special conditions can be added
PNDI

- **Applicant** must sign the PNDI Receipt
- Avoidance Measures - The **applicant** must sign the PNDI receipt, indicating that the applicant can and will fulfill the Avoidance Measures for the project, and the Avoidance Measures must be identified in the E&S and/or PCSM Plan.
- If the applicant cannot or chooses not to meet the Avoidance Measures, the applicant must follow the Potential Impact procedure.

**PA Bulletin Notification/ Public Comment Period**

- PAG-02 - Published once, upon permit action
- Individual NPDES Permit – published twice
  - No longer published at application completeness stage
  - After completion of technical review process, published as draft permit decision and notification of complete permit application
  - Published as final permit action
- All comment/appeal periods: 30 calendar days

**Transferees and Co-Permittees**

- Now two separate forms
- Transfer Application (1800-PM-BC402D41a)
  - Same as the rest of the NPDES programs
  - Proof that instrument has been recorded for PCSM BMPs is now required with Transfer Application, if applicable, and with the Notice of Termination
- Co-permittee Acknowledgement Form (1800-PM-BC402D71a)
  - Signed by Permittee and Co-permittee
  - If correctly completed, as soon as form is signed, co-permittee is acting under the permit.
Covered Topics

• Learn about new procedures and concepts
• Identify new forms
• Learn how to complete the forms
• Discuss the PCSM Spreadsheet and identify when it should be used

Questions?