

Q&A Summary
2022 Engineering Solutions Workshop
Presented by Pike and Monroe County Conservation Districts
May 18, 2021

Module 3 Completion:

- 1. How is a separate Module 3 for each receiving water addressed with EPermitting?**
Separate Modules should be provided for each surface water receiving discharge from the project. In E-Permitting, additional Modules should be uploaded as attachments into the E-Permitting System.
- 2. What is embankment sediment trap with compost sock?**
Embankment Sediment traps utilize a rock filter to discharge water from the sediment trap. Refer to Page 214 of the E&S Manual for details/ design criteria. The embankment sediment trap may be upgraded to an ABACT BMP by adding a compost sock to the front face of the rock filter embankment.
- 3. Would an MRC Facility be considered infiltration/eliminating volume? Or only managing?**
An MRC Facility (Managed Release Concept) is by definition a PCSM BMP which manages volume. An MRC would not be considered as a volume eliminating BMP.
- 4. Question in regards to alternative BMPs - is there a process outside of an NPDES application to obtain approval for an alternative BMP not already OK'd by DEP?**
Alternative BMP's are evaluated and approved through DEP Central Office in Harrisburg, PA. The process and associated forms are provided on DEP's website through the E&S Resources page.

Common PCSM Spreadsheet Issues:

- 5. I was told by another conservation district last week, vegetated area is bottom of the basin, regardless of first outlet elevation.**
The PCSM Spreadsheet instructions note the Infiltration/Vegetated Area is the "area of vegetation in which the root zone is expected to be in contact with stormwater at the 2 year/ 24 hour event".
- 6. So we can now claim volume in swales per the BMP Manual? We used to not be able to.**
Volume reduction has always been able to be claimed in vegetated swales, provided the swales meet the key design elements as stated in the BMP manual, infiltration testing has been performed and favorable results obtained, and check dams or other facilities are incorporated into the design to create a standing water condition within the swales in order for infiltration to occur.
- 7. Can you explain the common "shortchanging" on the "dewatering period" again?**
Many consultants utilize the maximum water surface obtained based on the 2 year routing through the BMP in order to determine the dewatering time of the facility. Many times this routing may already take into account infiltration, which results in a lower maximum water elevation compared to a routing scenario where infiltration is not considered. Since the PCSM Spreadsheet calculations take into account infiltration occurring during the storm (12 hours) , the dewatering time should be based on the depth of water from the first outlet from the facility divided by the infiltration rate.

Permit Requirements during Construction:

- 8. Co-permittees are being released from permit responsibilities without knowledge or consent from the engineer of record. This is a huge problem during construction. You expect the professional to take responsibility during construction but yet allow a contractor to be released without the engineer's knowledge. The system needs to be changed to require a contractor NOT to have engineer involvement just like the permittee's NOT.**

Allowing a co-permittee to be released from the permit is the choice of the permittee. For the engineer of record to deny a co-permittee release, the engineer of record must be the permittee.

- 9. We know how the engineer observation is SUPPOSED to work.... what are you seeing where the engineer has not been notified during the construction of certain items, and then the engineer has some ethical concerns when asked to take full and complete responsibility on the NOT form?**

It is the choice of an engineer whether to put their seal on the notice of termination or not. Failure to terminate the permit is the responsibility of the permittee. If a BMP was installed without a critical stage inspection, the engineer of record can request the BMP be reinstalled with proper licensed professional oversight.

- 10. Is there a description somewhere of what counts as "landowner notification"?**

NPDES permit conditions state: "Unless an alternative process is approved by DEP in writing, upon the sale or other transfer of any parcel, lot, road or other real property included within the permit boundary, the permittee shall notify the purchaser, grantee, or transferee of the long-term PCSM BMP O&M requirements. The permittee shall expressly identify the PCSM BMPs on each property, the schedule for inspection and reporting, the person or entity responsible for long-term O&M of the PCSM BMPs and how access to the BMPs will be achieved and shall obtain approval from the purchaser, grantee or transferee."

- 11. Are landowner notifications required if there is an HOA identified as the responsible party for the BMPs**

Landowner notifications are required.

- 12. If all PCSM BMPs have been installed and functional and site is stabilized, but not all lots are sold and houses are built. Can NOT be obtained?**

An NOT can be obtained if the applicable PCSM BMPs are installed. Please note that future development within the permit boundary may require additional NPDES permitting if initiated after permit termination. Contact your local Conservation District for project specific guidance in this instance.

- 13. Back to the engineer's certification where you have the residential subdivision, 17 different contractors who haven't contacted the engineer, have you seen NOT problems in those situations?**

It is the choice of an engineer whether to put their seal on the notice of termination or not. Failure to terminate the permit is the responsibility of the permittee. If a BMP was installed without a critical stage inspection, the engineer of record can request the BMP be reinstalled with proper licensed professional oversight.

- 14. Are landowner notifications required if the HOA is the responsible party and has hired a 3rd party inspection party to inspect/maintain on lot BMPs? Will an invoice or similar receipt suffice?**
- Landowner notifications are required.
- 15. Back to critical stages. The discussion today was more that the professional performed observation or inspection duties. The actual wording in 102 is that the professional is "responsible" during critical stages. Please describe the full interpretation of "responsible"**
- A licensed professional shall be responsible for oversight of critical stages of implementation of the approved PCSM plan. Licensed professional oversight is intended to verify proper installation of PCSM BMPs.
- 16. Have you had jobs where an Engineer simply would not sign the NOT? What happens then?**
- Failure to submit a notice of termination is a violation under Chapter 102. If a notice of termination is not submitted for a completed project, the site will be in violation.
- 17. Would it make more sense for the township engineer to sign off on N.O.T. filing? Should it be in the development escrow?**
- There is no requirement under Chapter 102 that a municipal engineer would be involved with the filing of notice of termination. General speaking, the licensed professional who is responsible for critical stage inspections would be the best person to seal and sign a notice of termination.
- 18. Do E&S BMPs have any bearing on processing the NOT? Often I see inlet bags and baffles in sediment basins left behind after construction, but they're not PCSM features.**
- All E&S BMPs should be removed after permanent site stabilization. A notice of termination will not be acknowledged if inspection results show E&S BMPs have not been removed from the site.

MRC Justification:

- 19. Is the 0.2 in/hr. before or after applying the factor of safety?**
- After
- 20. Have you observed any MRCs that have been in place for some time?**
- Not yet. We have a few under construction.
- 21. What should the approach be for highway projects where the development of the roadway and available right-of-way may be limited to an already established corridor?**
- Same approach as a typical project. Consider ET as an alternative as well.
- 22. What is the difference between construction sequences for MRC BMPs in ESPC plans and PCSM plans? Are there any differences? The question can fit for all the BMPs also. Does PCSM plan sequence need additional info?**
- If the project is simple, a single sequence can be provided however, most times the sequence on the E&S plan will reference the PCSM BMP construction. Protection of the PCSM BMPs should be considered regardless of location.

Miscellaneous Topics:

- 23. When will ePermitting be required for 102?**
- At this time, the Department has not announced when Chapter 102 ePermitting will be mandatory. The District recommends becoming familiar with Chapter 102 ePermitting training documents located on Pennsylvania Clean Water Academy (

<https://pacleanwateracademy.remote-learner.net/>) and the user guides located on the Chapter 102 ePermit website:

<https://www.dep.pa.gov/Business/Water/CleanWater/StormwaterMgmt/Stormwater%20Construction/Pages/Chapter-102-ePermit.aspx>

24. What agency reviews E&S/PCSM in Chapter 105 areas?

Typically, Conservation Districts review the erosion and sediment control plans for the activities within Chapter 105 regulated areas.