

Improvements to the NPDES Post-Construction Stormwater Management Permitting Process

In 2000, amendments were implemented to the Federal Clean Water Act that have, as a result, increased the demand for stormwater permits issued by the Department of Environmental Protection (Department) over the last six years. These amendments, which include new permitting requirements for sites less than five acres but greater than one acre, have in six years nearly doubled the workload of Departmental staff responsible for reviewing processing NPDES Post-Construction Stormwater Permits. As a result, the time required for Department review of the permit application has increased.

To address these issues, including improving the quality of permit applications and reducing the Department's review time of NPDES Post-Construction Stormwater Management permit applications, the Department considered four initiatives for which it requested public comment at 36 Pa.B. 6738 on November 4, 2006. During the 30-day public comment period, the Department received comments from 28 commentators. While some commentators expressed support of the initiatives outlined by the Department, some requested additional detail on the initiatives, and recommended the Department proceed cautiously with their strategy.

After consideration and careful deliberation of the public comments received to improve NPDES Post Construction Stormwater Management Permitting, the Department has finalized the initiatives summarized below and scheduled their implementation. The Department's written responses to the specific public comments submitted can be accessed on the Department's website at <http://www.depweb.state.pa.us> (DEP Keywords: "Stormwater").

Initiative 1: Encourage the Use of a Simultaneous Review Process for Erosion and Sediment Control and Post-Construction Stormwater Plan Review

Implementation: The Department will continue to advance the use of a simultaneous review process for Erosion and Sediment Control and Post-Construction Stormwater Management (PCSM) Plan reviews. This process encourages the owner/applicant and their "project team" to meet with municipal officials and staff from the Department and County Conservation Districts to discuss the conceptual, or preliminary design plans of the project. This allows the exchange of information on the project and applicable requirements in the early development stages. Under this initiative, the Department will not issue a final permit decision during the preapplication process; however, a summary of the preapplication meeting will be maintained by the Department or Conservation District in the permit applicant's file.

Initiative 2: Expedited Permit Review where applicants have Municipal or County Conservation District Approval of the PCSM Plan and that the Plan has been sealed by a Professional Engineer (PE) who has attended Best Management Practices (BMP) Manual training and has demonstrated knowledge and experience in preparing PCSM Plans

Implementation: The Department will provide expedited permit reviews where applicants have municipal or County Conservation District approval of the PCSM Plan, which must be sealed by a qualified Licensed Professional (LP) who has attended BMP Manual training provided by the Department or other training recognized by the Department and demonstrates proficiency in the stormwater management program through the submission of a complete and quality application. The Department will also provide expedited permit reviews to land developers whose PCSM plans are approved by a County Conservation District with PCSM delegation.

The expedited review has the expectation of final permit action within 66 calendar days (this includes the public notification process and 30 public comment period) of receipt of a final application meeting the above requirements.

In the event neither a municipality or County Conservation District is equipped to approve a plan but the plans are sealed by an LP who has attended BMP Manual training, the Department will conduct a review of the PCSM Plan concurrent with the County Conservation District's review of the Erosion and Sediment Control Plan. The Department will make a permit decision within 66-calendar days of receipt of an administratively complete application. Exceptions to this timeframe include situations where applications are administratively or technically deficient and those where a public meeting has been requested.

The Department is working with the County Conservation Districts to develop a modified delegation agreement to include the District's review of PCSM plans. The State Conservation Commission must approve the modified delegation agreement prior to the Department's implementation of this initiative.

Instructions for utilizing an expedited permit review process for NPDES Post-Construction Stormwater Permits are available on the Department's website at <http://www.depweb.state.pa.us> (DEP Keywords: "Stormwater").

Initiative 3: Development of New General Permits (GPs) and Clarification of Existing General Permits

Implementation: The Department has developed a fact sheet that explains the permit requirements for the development of small home lots entitled "Soil Erosion And Sediment Requirements For Single-Family Residence, Individual Lot Construction And Minor Construction Project Activities." The fact sheet identifies and explains the regulatory and permit requirements for development of single-family home lots and minor construction project activities. Depending on the size and scope of a project, the Fact Sheet identifies various requirements ranging from implementing and maintaining BMPs and Erosion and Sediment Control Plans to requiring an NPDES permit for stormwater discharges associated with construction activities. The Fact Sheet can be found on the Department's website at www.depweb.state.pa.us (DEP Keywords: "Erosion Control").

Further, the Department continues to evaluate all possibilities to provide additional NPDES GPs for use in nonspecial protection waters.

Initiative 4: Third-Party Service Providers—Issuance of Request for Information (RFI)

Implementation: Under this initiative, the Department will solicit qualified consultants, including County Conservation Districts to assist applicants in preparing NPDES Stormwater permit applications or facilitating the application development process. Applications that reflect the full benefits of these services will qualify for expedited NPDES permit reviews by the Department.

To implement this initiative, the Department will issue a Request for Information (RFI) to solicit information from [interested parties](#) on their capabilities to assist applicants in preparing NPDES Stormwater permit applications. The Request For Information can be found at www.dgsweb.state.pa.us/comod/main.asp (Search by using RFI 2006-1). Upon receipt and evaluation of this information, the Department will post a list of Qualified Providers on the Department's website at <http://www.depweb.state.pa.us> (DEP Keywords: "Stormwater"). Services provided to permit applicants would be subject to any fees charged by the Qualified Provider.

Additional information concerning NPDES Post Construction Stormwater Management Permitting may be obtained by contacting Ken Murin, Chief, Division of Waterways, Wetlands and Stormwater Management, P.O. Box 8775, Harrisburg, PA 17105-8775; (717) 772-5975, ep-stormwaterinitiative@state.pa.us.

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