

REVISIONS TO PA DEP'S NPDES PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

In May 2007, DEP revised the application form for the NPDES Permit for Stormwater Discharges Associated with Construction Activities. An NPDES construction permit is needed for:

1. Earth disturbance activities involving 1 to 5 acres that will result in a point source discharge to Waters of the Commonwealth. DEP defines point source as "any discernable, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, CAFO, landfill leachate collection system, or vessel or other floating craft, from which pollutants are or may be discharged". In addition to streams, rivers, lakes, and wetlands, Waters of the Commonwealth include intermittent streams, natural seeps, and springs.
2. Earth disturbance activities involving over 5 acres over the life of the project.

There are two types of NPDES construction permits. The General Permit can be used for projects that involve less than 25 acres that are not in a "Special Protection" watershed and do not have the potential for negative environmental impacts. An Individual Permit is required for projects that:

- Are over 25 acres in size.
- Are located in "Special Protection" watersheds. "Special Protection" watersheds include those that are classified by DEP as High Quality, Exceptional Value or Exception Value wetlands.

- May affect existing water quality standards.
- May affect threatened or endangered species.
- Have the potential for hazardous or toxic discharges.

The major changes to the application include the following:

Recommended Use of Control Guidance 1

Control Guidance 1 is described in PA DEP's *Stormwater Best Management Practices Manual*. It is a volume control guideline that DEP recommends be used where site conditions allow the increase in runoff volume to be reduced. The guideline specifies that:

1. The post-development total runoff volume for all storms equal to or less than the two year/24-hour event must not increase.
2. Existing (pre-development) non-forested pervious areas must be considered meadow (good condition) or its equivalent.
3. Twenty (20) percent of the existing impervious area, when present, must be considered meadow (good condition) in the model for existing conditions for redevelopment.

Thermal Impacts

The thermal impacts of projects on streams must be evaluated. Removing riparian vegetation and discharging stormwater from pavements and rooftops can increase the temperature in streams. Thermal impacts are to be

avoided; if they cannot be avoided, the impacts must be minimized to maintain water quality.

Antidegradation Analysis

For projects located in "Special Protection" watersheds, an antidegradation analysis must be performed. The non-discharge alternative must be evaluated. If a discharge cannot be avoided, "Antidegradation Best Available Combination of Technologies" must be used. These technologies are a combination of cost-effective treatments, land disposal, pollution prevention, and stormwater reuse practices.

Clean Fill

The "Fill Material" section of the permit application has been expanded. A cut/fill analysis is needed. If fill will be imported to the site, notes need to be on the drawings listing the contractor's responsibilities and defining clean fill and environmental due diligence. The Certification of Origin of Clean Fill form has been revised. This form is to be provided by the contractor for each source of fill and is to be maintained by the property owner. If fill will be exported, the applicant must make a clean fill determination and do environmental due diligence before the application is submitted.

Stormwater Planning Consistency

The permit application must be consistent with county and local plans that regulate development, such as stormwater management plans. If there is an approved Act

167 Plan, a letter of consistency from the municipal or county engineer should be included with the application. If there are approved local stormwater management plans (including MS4) a letter of consistency from the municipal or county engineer should be included with the application.

Licensed Professional Seal Requirements

Erosion and sedimentation control plans, post construction stormwater management plans, and calculations must be sealed by a licensed professional. If the plan calls for structural best management practices, the application form, plans, specifications, and calculations are to be sealed by an engineer. If the plan calls for non-structural best management practices (vegetated swales, filter strips, etc.), a qualified land surveyor, geologist, or landscape architect may seal the plans.

Brownfields

The remediation of a contaminated site under Act 2 was previously exempt from NPDES construction permitting. This is no longer the case. Since these sites have the potential for pollution, the individual NPDES construction permit application must be used.

The permit application form and instructions can be found on DEP's website at:

<http://www.depweb.state.pa.us/watershedmgmt/cwp/view.asp?a=1437&q=519543&watershedmgmtNav=>

Written by Mary Jo Brown, Senior Environmental Scientist with CET Engineering Services

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