

DO WE REALLY NEED ALL THESE PERMITS?

Background

Many a project schedule has been affected by, and many a voice of frustration has been raised by, the failure to obtain all required permits in a timely manner.

Some say that we are overregulated, but it is good to remember that the need for regulation is often in response to environmental problems such as the Love Canal or the burning of the Cuyahoga River. As industries and urban communities discharged their wastewater into rivers, water pollution became more prevalent. Similarly, air and land pollution began to increase. Unregulated activities created negative effects such as smog and odors in the air, chronic illness, and turbid water unfit for drinking. In some cases, pollution was the cause for an increase in the number of birth defects. As public awareness for safety grew, regulations were created or amended to protect the public infrastructure and natural resources, creating the need for permits to comply with these regulations.

So now, before construction of any project begins, permits must be obtained to ensure there is compliance with current regulations. Permits are designed to inform regulatory agencies of upcoming projects and to protect public safety, health, and the environment.

Pollution control laws, such as the Clean Water Act, Safe Drinking Water Act, and Clean Air Act, have been developed at the federal level, although most are delegated to state

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level agencies for implementation. These laws provide a safe limit of pollutants that can be emitted into the air, land, or water. The laws also allow the Environmental Protection Agency (EPA) and state agencies to pursue civil and criminal actions for those who are in violation of the regulations and the endangerment of public health. Additionally, the general public has access to treatment facility monitoring reports as they are public documents. As further emphasis is



placed on protection of human health and the environment, the permit requirements evolve accordingly.

Common Permits and Approvals

For utility and plant construction, common permits and approvals include erosion and sediment (E&S) control plans, highway occupancy permits, and general permits. A Pennsylvania Department of Environmental Protection (DEP) Chapter 102 E&S Control Plan is typically required and is an important component of the Commonwealth's Chesapeake Bay Nutrient Reduction Strategy by protecting soil resources and minimizing water quality impacts. The National Pollution Discharge Elimination System (NPDES) Permit for Stormwater Activities Associated with Construction must also be obtained for earth disturbance activities involving 1 to 5 acres that result in a point source discharge to the waters of the Commonwealth, or earth disturbance activities involving over 5 acres over the life of the project. E&S control plans are reviewed by the county conservation districts, although some are reviewed by the DEP. The reviewing agency has 30 days to review the plan.

For wastewater treatment facilities, the NPDES Permit to Discharge Sewage is required to operate wastewater facilities. Applications for the NPDES permits can take up to 180 days to review. A Water Quality Management (WQM) Permit for

Sewage Discharge, issued by DEP, is also needed for the construction and operation of wastewater facilities.

For drinking water facilities, a Public Water Supply Permit is required to construct and operate the facilities. The application is reviewed by DEP.

For facilities with air pollution concerns, air quality plan approvals for construction of air contamination sources and air operating permits such as Title V are needed to operate such sources. These permit applications are also reviewed by DEP.

If wetlands are present within the vicinity of the project area, a person certified in wetlands delineation must determine the wetlands' boundary and identify the types of wetlands present prior to approval of any permit.

For projects affecting waterways and/or floodplains, a water obstruction and encroachment permit or a Chapter 105 General Permit is needed. These permit applications are reviewed by DEP.

Most permits require clearance from the Pennsylvania National Heritage Program (PNHP), whose environmental review tool is known as the Pennsylvania Natural Diversity Inventory (PNDI). This program provides a preliminary search to identify if the proposed construction activity may impact any threatened, endangered, or rare species. If the search

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identifies possible impacts, the jurisdictional agency will have to be contacted. Sometimes it involves redesigning the project or involves bringing in specialists to relocate the endangered species. The time frame for this will vary and usually takes months prior to resolving the issue.

Highway occupancy permits are required for work to be done within the state highway's right-of-way to ensure that any opening in roads be restored to acceptable conditions and prevent road collapse. The permits also ensure traffic control measures to direct a safe flow of traffic while construction occurs. Highway occupancy permits are issued by the Pennsylvania Department of Transportation (PennDOT). PennDOT has 60 days from the day the application is received to review the permit application.

The Big Picture

While some are frustrated by the permitting process, much good has resulted from these programs, and we have a cleaner and safer environment today compared to decades past. All participants in the process, from the preparer to the issuer to the permittee, are encouraged to keep the big picture in mind - the health and safety of the public.

Written by Lillian Luu, staff engineer with CET Engineering Service's Huntingdon, PA office.

Update on Residential Sprinkler Systems

In May we published a technical bulletin summarizing Pennsylvania regulations under the 2009 International Residential Code. Here are a couple updates on sprinkler systems

- The suit filed by the Pennsylvania Builders Association in Commonwealth Court [alleging the unconstitutional adoption of the 2009 International Residential Code (IRC)] was scheduled for oral arguments in late June. To our knowledge, a ruling has not been issued by the Court. Unless and until the Court rules otherwise, the 2009 IRC remains in effect.
- A recent kitchen fire in a residential building that was "sprinkled" has caused the National Fire Protection Association (NFPA) to take a closer look at NFPA 13D sprinkler systems containing antifreeze solutions. Their initial research indicates that certain antifreeze solutions may provide an unacceptable risk of harm to occupants in certain fire scenarios, in particular kitchen grease fires. An NFPA Safety Alert outlines several recommendations until further research results are available. To access the safety alert use this URL:

http://www.nfpa.org/assets/files//NFPA_Safety_Alert_on_Antifreeze_July_2010.pdf



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