

# CONSTRUCTION STORMWATER

By  
RT Environmental Services, Inc.  
Gary R. Brown, P.E.  
President



The Bureau of Clean Water administers the statewide Erosion and Sediment Control (E&S) program under 25 Pa. Code Chapter 102. Chapter 102 requires a permit from DEP for the following activities:

- Construction activities with earth disturbances greater than or equal to one acre, not including agricultural plowing or tilling, animal heavy use areas, timber harvesting activities or road maintenance activities, which require National Pollutant Discharge Elimination System (NPDES) permit coverage. If eligible, persons disturbing one or more acres may apply for coverage under the PAG-02 NPDES General Permit for Stormwater Discharges Associated with Construction Activities (PDF). If ineligible for PAG-02 coverage, persons may apply for an individual NPDES permit (PDF). The permit application/Notice of Intent for both types of permits is located here.

- Timber harvesting and road maintenance activities involving 25 or more acres of earth disturbance. An E&S permit (PDF) is required under Pennsylvania's Clean Streams Law for these activities, rather than a NPDES permit.
- Other activities involving 5 or more acres of earth disturbance not identified above require an E&S permit.

# **PAG-02 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR DISCHARGES OF STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITIES FACT SHEET**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 et seq. (the “Act”) and Pennsylvania’s Clean Streams Law, as amended, 35 P.S. Section 691.1 et seq., the Department of Environmental Protection (DEP) is authorizing the discharge of stormwater associated with construction activity to surface waters of the Commonwealth under the PAG-02 General Permit.

The PAG-02 General Permit that is currently in effect was issued on December 8, 2012 and expires on December 7, 2017. On October 21, 2017, DEP published notice of an administrative extension to the PAG-02 General Permit until December 7, 2018 in the Pennsylvania Bulletin [47 Pa.B. 6565]. DEP published notice of the availability of a draft reissued PAG-02 General Permit in the Pennsylvania Bulletin on November 4, 2017 [47 Pa.B. 6884]. A 30-day comment period was provided, and interested parties were directed to submit comments to DEP's eComment system or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). The comment period ended on December 4, 2017. DEP received comments and questions from six different individuals and organizations during the comment period. Consideration of these comments will be undertaken during the subsequent PAG-02 permit term.

DEP has decided to reissue the PAG-02 General Permit for a two-year term. The PAG-02 General Permit became effective on December 8, 2017 and will expire on December 7, 2019. DEP anticipates making changes to the general permit and associated documents, and has determined that two years is sufficient time to make those changes. DEP published notice of the availability of the final reissued PAG-02 General Permit in the Pennsylvania Bulletin on December 16, 2017.

**PAG-02**

**AUTHORIZATION TO DISCHARGE UNDER  
THE**

**NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM (NPDES)**

**GENERAL PERMIT FOR DISCHARGES OF  
STORMWATER ASSOCIATED WITH  
CONSTRUCTION ACTIVITIES**

**NPDES PERMIT NO: ( PERMIT ID NO. )**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 et seq. and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 et seq., the Department of Environmental Protection (DEP) authorizes the permittee named below to discharge stormwater associated with small construction activities from an earth disturbance activity that involves earth disturbance greater than or equal to one acre, or an earth disturbance on any portion, part, or during any stage of a larger common plan of development or sale that involves earth disturbance greater than or equal to one acre:

Permittee

( **Permittee Name(s) )**

( **Permittee Mailing Address )**

( **Permittee City, State, Zip )**

Project Site

( **Project Site Name )**

( **Municipality Name(s) ), ( County Name(s) )**



This authorization is subject to DEP's enclosed PAG-02 General Permit which incorporates all effluent limitations, monitoring and reporting requirements, and other terms, conditions, criteria, and special requirements for the discharge of stormwater composed entirely of stormwater associated, in whole or in part, with construction activity, as defined in this General Permit, to surface waters of this Commonwealth, including through municipal separate storm sewers and non-municipal separate storm sewers. Authorization to discharge is subject to the implementation of the plans and additional associated information submitted as part of the Notice of Intent (NOI).

**APPROVAL TO DISCHARGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREIN IS AUTHORIZED BEGINNING ON ( EFFECTIVE DATE OF COVERAGE ), AND WILL EXPIRE ON ( EXPIRATION DATE OF COVERAGE ) WHEN CONDUCTED PURSUANT TO THE TERMS AND CONDITIONS OF THE APPLICABLE PERMIT. COVERAGE MAY BE EXTENDED BY DEP OR AUTHORIZED CONSERVATION DISTRICT IF A TIMELY, ADMINISTRATIVELY COMPLETE AND ACCEPTABLE RENEWAL NOI IS SUBMITTED TO DEP OR AUTHORIZED CONSERVATION DISTRICT AT LEAST 180 DAYS PRIOR TO DATE OF COVERAGE EXPIRATION. THE PERMIT MAY BE TERMINATED PRIOR TO THE EXPIRATION DATE UPON RECEIPT AND ACKNOWLEDGEMENT OF A NOTICE OF TERMINATION FORM AND APPROVAL BY DEP OR AUTHORIZED CONSERVATION DISTRICT. NO CONDITION OF THIS PERMIT SHALL RELEASE THE PERMITTEE OR CO-PERMITTEE FROM ANY RESPONSIBILITY OR REQUIREMENT UNDER PENNSYLVANIA, OR FEDERAL ENVIRONMENTAL STATUTES, REGULATIONS, OR LOCAL ORDINANCES.**

**Coverage under the PAG-02 General Permit is authorized by:**  
**( Manager Name )**  
**( Manager Title )**  
**( Name of CCD or DEP Office )**

**PAG-02**

**NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM (NPDES)**

**GENERAL PERMIT FOR DISCHARGES OF  
STORMWATER ASSOCIATED WITH  
CONSTRUCTION ACTIVITIES**

This permit applies to earth disturbance activities that disturb greater than or equal to one (1) acre, or an earth disturbance on any portion, part, or during any stage of, a larger common plan of development or sale that involves greater than or equal to one (1) acre of earth disturbance.

This permit does not apply to agricultural plowing and tilling, animal heavy use areas, timber harvesting activities, and road maintenance activities.

Earth disturbance activities associated with oil and gas exploration, production, processing or treatment operations, or transmission facilities may be required to obtain permit coverage under the Erosion and Sediment Control General Permit (ESCGP).

# I. DEFINITIONS

Note: Terms used in this permit not otherwise defined herein shall have the meaning attributed to them in 40 CFR Part 122 and 25 Pa. Code Chapters 92a, 93, 96, 102 or 105.

***Administrator*** – The Environmental Protection Agency (EPA) regional administrator.

***Antidegradation Best Available Combination of Technologies (ABACT)*** – Environmentally sound and cost effective treatment, land disposal, pollution prevention and stormwater re-use BMPs that individually or collectively manage the difference in the net change in stormwater volume, rate, and quality for storm events up to and including the 2 year/24 hour storm when compared to the stormwater rate, volume, and quality prior to the earth disturbance activities to maintain and protect the existing quality of the receiving surface waters of this Commonwealth.

***Accelerated Erosion*** – The removal of the surface of the land through the combined action of human activities and the natural processes, at a rate greater than would occur because of the natural process alone.

***Authorized Conservation District*** – A conservation district, as defined in Section 3(c) of The Conservation District Law (3 P.S. § 851(c), as amended) that has the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the erosion, sediment, and stormwater management program in the Commonwealth of Pennsylvania.

***Best Management Practices (BMPs)*** – Activities, facilities, measures, planning, or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters of this Commonwealth before, during, and after earth disturbance activities.

**Clean Fill** – Uncontaminated, nonwater soluble, nondecomposable, inert, solid material to include soil, rock, stone, dredged material, used asphalt, and brick, block, or concrete from construction and demolition activities that is separate from other waste and is recognizable as such. The term does not include materials placed in or on the waters of this Commonwealth unless otherwise authorized. The term "used asphalt" does not include milled asphalt or asphalt that has been processed for re-use.

**Co-Permittee** – Person(s) identified in this permit as responsible for the discharges of stormwater associated with construction activity who is jointly and individually responsible together with the permittee for compliance with all conditions of this permit and applicable laws.



***Critical Stages*** – The installation of underground treatment BMPs, structurally engineered BMPs, or other BMPs as deemed appropriate by DEP or the authorized conservation district.

***CSO*** – Abbreviation for Combined Sewer Overflows

***DEP*** – The Department of Environmental Protection of this Commonwealth.

***Earth Disturbance Activity*** – A construction or other human activity which disturbs the surface of the land, including land clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, operation of animal heavy use areas, timber harvesting activities, road maintenance activities, oil and gas activities, well drilling, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials.

***Effluent Limitation or Standard*** – A restriction established by DEP or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into surface waters including BMPs and schedules of compliance.

***EPA*** – Abbreviation for the Environmental Protection Agency

***Erosion*** – The natural process by which the surface of the land is worn away by water, wind, or chemical action.

***Erosion and Sediment Control Plan (E&S Plan)*** – A site-specific plan consisting of both drawings and a narrative that identifies BMPs to minimize accelerated erosion and sedimentation before, during, and after earth disturbance activities.

***Licensed Professional*** – Professional engineers, landscape architects, geologists, and land surveyors licensed to practice in the Commonwealth.

***Long-term Operation and Maintenance*** – The routine inspection, maintenance, repair, or replacement of a BMP to ensure proper function for the duration of time that the BMP is needed.

***MCM*** – Abbreviation standing for Minimum Control Measure.

**MS4** – Abbreviation standing for Municipal Separate Storm Sewer System. A separate storm sewer (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains) which is all of the following:

- (i) Owned or operated by a State, city, town, borough, county, district, association or other public body (created by or under state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater or other wastes, including special districts under state law such as a sewer district, flood control district, or drainage district, or similar entity, or a designated and approved management agency under Section 208 of the Federal Act (33 U.S.C.A. § 1288) that discharges to surface waters of this Commonwealth.
- (ii) Designed or used for collecting or conveying stormwater.
- (iii) Not a combined sewer.
- (iv) Not part of a POTW.

***Municipality*** – A county, city, borough, town, township, school district, institution, or authority, or another public body created by or pursuant to State Law. For the purposes of this definition, town includes an incorporated town.

***Notice of Intent (NOI)*** – A request, on a form provided by DEP, for coverage under a General NPDES Permit for Stormwater Discharges Associated with Construction Activities.

***Notice of Termination (NOT)*** – A request, on a form provided by DEP, to terminate coverage under a General NPDES Permit for Stormwater Discharges Associated with Construction Activities.

***Nondischarge Alternative*** – Environmentally sound and cost effective BMPs that individually or collectively eliminate the net change in stormwater volume, rate, and quality for stormwater events up to and including the 2 year/24 hour storm when compared to the stormwater rate, volume, and quality prior to the earth disturbance activities to maintain and protect the existing quality of the receiving surface waters of this Commonwealth.

***Operator*** – A person who has one or more of the following:

- (i) Oversight responsibility of earth disturbance activity on a project site or a portion thereof, who has the ability to make modifications to the E&S Plan, PCSM Plan, or site specifications.
- (ii) Day-to-day operational control over earth disturbance activity on a project site or a portion thereof to ensure compliance with the E&S Plan or PCSM Plan.

***Owner*** – A person(s) who holds the legal title to the land subject to construction activity. This term also includes the person(s) who held legal title to the land subject to construction activity at the time such activity was commenced on a site.

***Permanent Stabilization*** – Long-term protection of soil and water resources from accelerated erosion.

***Person*** – Any operator, individual, public or private corporation, partnership, association, municipality or political subdivision of this Commonwealth, institution, authority, firm, trust, estate, receiver, guardian, personal representative, successor, joint venture, joint stock company, fiduciary; Department, agency or instrumentality of state, federal, or local government, or an agent or employee thereof; or any other legal entity. Whenever used in any clause prescribing and imposing a penalty, or imposing a fine or imprisonment or both, the term "person" shall not exclude the members of an association and the directors, officers, or agents of a corporation.

***Point Source*** – Any discernable, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, or vessel, or other floating craft, from which pollutants are or may be discharged.

***Post Construction Stormwater*** – Stormwater associated with a project site after the earth disturbance activity has been completed and the project site is permanently stabilized.

***Post Construction Stormwater Management Plan (PCSM Plan)*** – A site-specific plan consisting of both drawings and a narrative that identifies BMPs to manage changes in stormwater runoff volume, rate, and water quality after earth disturbance activities have ended and the project site is permanently stabilized.



## ***Preparedness, Prevention, and Contingency Plan (PPC Plan)***

– A written plan that identifies an emergency response program, material and waste inventory, spill and leak prevention and response, inspection program, housekeeping program, security and external factors, and that is developed and implemented at the construction site to control potential discharges of pollutants other than sediment into waters of this Commonwealth.

***Project site*** – The entire area of activity, development, lease, or sale including:

- (i) The area of the earth disturbance activity.
- (ii) The area planned for the earth disturbance activity.
- (iii) Other areas which are not subject to earth disturbance activity.

***Riparian Buffer*** – A BMP that is an area of permanent vegetation along surface waters.

***Riparian Forest Buffer*** – A type of riparian buffer that consists of permanent vegetation that is predominantly native trees, shrubs, and forbs along surface waters that is maintained in a natural state or sustainably managed to protect and enhance water quality, stabilize stream channels and banks, and separate land use activities from surface waters.

***Runoff Coefficient*** – The fraction of total rainfall that will appear at the conveyance as runoff.

***Stabilization*** – The proper placing, grading, constructing, reinforcing, lining, and covering of soil, rock, or earth to ensure their resistance to erosion, sliding, or other movement.

***Stormwater*** – Runoff from precipitation, snow melt runoff, surface runoff, and drainage.

***Surface Waters*** – Perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, excluding water at facilities approved for wastewater treatment such as wastewater treatment impoundments, cooling water ponds, and constructed wetlands used as part of a wastewater treatment process.

***Total Maximum Daily Load (TMDL)*** – The sum of the individual wasteload allocations for point sources, load allocations for nonpoint sources, a margin of safety and natural background. TMDLs can be expressed in mass per time, toxicity, or other appropriate measures.

***Transferee*** – Person(s) identified through the co-permittee/transferee form as having new responsibility for the discharges of stormwater during construction activities and responsibility for compliance with all conditions of this permit and all applicable laws for discharges of stormwater during the construction activity.

***Waters of this Commonwealth*** – Rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

***Wetlands*** – Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

DEP or the authorized conservation district may notify the permittee at any time that the permit terms and conditions are not being met. Upon plan review or site inspection, DEP or the authorized conservation district may require E&S Plan revisions or other appropriate action to ensure compliance with the conditions of this permit.

DEP or the authorized conservation district has the right to enter onto the site to conduct inspections, conduct monitoring, or require monitoring where necessary in appropriate circumstances such as where a danger of water pollution or degradation is present, or water pollution or degradation is suspected to be occurring from a construction activity subject to this permit. The permittee and co-permittee shall commence such monitoring upon notification from DEP or the authorized conservation district. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

DEP or the authorized conservation district may request copies of records required by this permit, which could include the records required under Part A, Section III of this permit.

D. DEP may require by written notice any person authorized by this permit to apply for an Individual NPDES permit. This notice shall include the following:

1. A brief statement of the reasons for the decision,
2. An application form for an Individual NPDES permit, and
3. A statement setting a 90-day deadline for the owner or operator to file an application.

## General Information and Requirements

1. Persons proposing to discharge stormwater associated with construction activities and eligible persons proposing to expand the scope of a previously authorized construction activity which discharges stormwater, who wish to be covered by this general permit, must submit an administratively complete and acceptable Notice of Intent (NOI) to DEP or the authorized conservation district and receive authorization from DEP or the authorized conservation district prior to commencing the construction activity. The NOI shall be filed in accordance with the detailed instructions specified in the NOI instruction package.

2. Operators of all construction activities shall develop, implement, and maintain erosion and sediment (E&S) and postconstruction stormwater management (PCSM) BMPs and other pollution prevention measures required by this permit to minimize accelerated erosion and sedimentation before, during, and after construction activities.

3. E&S control BMPs shall be designed and implemented to meet the standards and specifications identified in DEP's regulations, including 25 Pa. Code § 102.4 (relating to Erosion and Sediment Control requirements) and § 102.11(a)(1) (relating to general requirements), and listed in DEP's Erosion and Sediment Pollution Control Program Manual, No. 363-2134-008, as amended and updated, or an alternative that is at least as effective or better, when legally authorized.

4. PCSM BMPs shall be designed and implemented to meet the standards and specifications identified in DEP's regulations, including 25 Pa. Code § 102.8 (relating to PCSM requirements) and 102.11(a)(2), and listed in DEP's Pennsylvania Stormwater Best Management Practices Manual, No. 363-0300-002, as amended and updated, or alternative that is as at least as effective or better, when legally authorized.



5. The E&S Plan, PCSM Plan, and PPC Plan shall identify appropriate BMPs that will be implemented to ensure that existing and designated uses of surface waters are protected and maintained.

6. The permittee or co-permittee shall have the E&S Plan, PCSM Plan, PPC Plan, and other documents required by this permit maintained at the site and available for review by DEP, authorized conservation district, or other authorized local, state, or federal agent or representative.

The following activities are not eligible for coverage under this permit:

1. Discharges to waters, including wetlands, with a designated or existing use of High Quality or Exceptional Value pursuant to 25 Pa. Code Chapter 93 (relating to Water Quality Standards);

2. Discharges which contain hazardous pollutants, toxics, or any other substance which - because of its quantity, concentration, or physical, chemical, or infectious characteristics - may cause or contribute to an increase in mortality or morbidity in either an individual or the total population, or pose a substantial present or future hazard to human health or the environment when discharged into surface waters of this Commonwealth;

3. Discharges which individually or cumulatively have the potential to cause significant adverse environmental impact;

4. Discharges to waters for which NPDES general permit coverage is prohibited under 25 Pa. Code Chapter 92a (relating to NPDES permitting, monitoring and compliance);

5. Discharges which are not, or will not be, in compliance with any of the terms or conditions of this general permit;

6. Discharges for which the responsible party (person) has failed and continues to fail to comply or has shown a lack of ability or intention to comply with a regulation, permit, and schedule of compliance or order issued by DEP or an authorized conservation district;

7. Discharges subject to categorical point source effluent limitations promulgated by EPA for categories other than construction or post construction;

8. Discharges which do not, or will not, result in compliance with applicable effluent limitations or water quality standards;

9. Discharges from construction activities for which DEP requires an Individual NPDES permit to ensure compliance with the Clean Water Act, the Clean Streams Law, or rules and regulations promulgated thereto; or where a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;

10. Discharges associated with coal mining or noncoal mining activities pursuant to DEP's regulations at 25 Pa. Code Chapters 77 and 86-90;

11. Discharges associated with a construction activity that may adversely affect a Pennsylvania or federal endangered or threatened species or its critical habitat;

12. Discharges from a site where other point source(s) require the issuance of an Individual NPDES permit;

13. Discharges to surface waters identified as impaired waters where the proposed discharge will result in a net change (pre-condition to post condition) in volume or rate or water quality of the stormwater unless an analysis is completed which documents that the discharge will neither cause nor contribute to an impairment of the receiving water;

14. Discharges of pollutants of concern to waters for which there is a Total Maximum Daily Load (TMDL) established or approved by EPA including the Chesapeake Bay unless the E&S and PCSM Plans include implementation measures or controls that are consistent with the assumptions and requirements of such TMDL. To be eligible for coverage under this general permit, persons must implement conditions applicable to their discharges necessary for consistency with the assumptions and requirements of such TMDL. If a specific wasteload allocation has been established that would apply to the discharge, persons must implement necessary steps to meet that allocation;

15. Discharges to MS4 and CSO municipal systems without the written consent of the MS4 or CSO permit holder unless those discharges result in no net change (pre-condition to post condition) in volume or rate or water quality;

16. Discharges of (a) wastewater from washout of concrete, unless managed by an appropriate control; (b) wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials; (c) fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and (d) soaps or solvents used in vehicle and equipment washing.

Persons requesting a renewal of coverage under this General Permit must submit to DEP or the authorized conservation district an administratively complete and acceptable NOI, at least 180 days prior to the expiration date of the coverage, unless permission has been granted by DEP or the authorized conservation district for submission at a later date. In the event that a timely, administratively complete, and acceptable application for renewal of coverage has been submitted and DEP or the authorized conservation district is unable, through no fault of the permittee, to reissue the approval for coverage before the expiration date of the approved coverage, the terms and conditions of the approved coverage will be automatically continued and will remain fully effective and enforceable pending the issuance or denial of the renewal of coverage, provided the permittee is, and has been, operating in compliance with the terms and conditions of the permit. The permittee shall be responsible for complying with the final renewed, reissued, or amended General Permit. If the permittee is unable to comply with the renewed, reissued, or amended General Permit, the permittee must submit an application for an individual permit within 90 days of publication of this General Permit.

NOIs for which a payment (check, electronic transfer, etc.) for either a base permit fee or a disturbed acreage fee have been processed as part of an administratively complete application that are returned for insufficient funds will be suspended until sufficient funds are provided. Any earth disturbance activity that has been authorized by the permit but DEP or the authorized conservation district is notified at a later date that the permit application fee(s) were not paid will be immediately suspended and the site must be immediately stabilized until the fees or sufficient funds are received. If the fees/funds are not received and paid in full within 30 days, the permit authorization will be revoked.

No condition of this permit shall release any person from any responsibility or requirements under other federal or Pennsylvania environmental statutes or regulations or local ordinances.



The approval of coverage is granted based, in part, on information provided by the applicant in the NOI. The information provided by the applicant, including all appendices, attachments, plans, and supporting documentation, are incorporated by reference as a part of the approval and are enforceable as a condition of the approval. If there is any conflict between the permit and the NOI, including any appendices, attachments, plans, and other supporting documentation, the more environmentally protective provision applies.

## Termination of Coverage

1. Upon permanent stabilization of earth disturbance activity under 25 Pa. Code § 102.22(a)(2) (relating to permanent stabilization) and installation of BMPs in accordance with the approved plan prepared and implemented in accordance with 25 Pa. Code § 102.4 and 102.8, the permittee and/or co-permittee shall submit a NOT to DEP or the authorized conservation district. The NOT must include:

- a. The facility name, address, and location;
- b. The operator name and address;
- c. The permit number;
- d. The reason for the permit termination; and
- e. Identification of the persons who have agreed to and will be responsible for the long-term operation and maintenance of PCSM BMPs.

2. Until the permittee or co-permittee has received written approval of the NOT, the permittee or co-permittee will remain responsible for compliance with the permit terms and conditions, including long- term operation and maintenance of all PCSM BMPs on the project site in accordance with 25 Pa. Code § 102.8(m). DEP or the authorized conservation district will conduct a follow up inspection and approve or deny the NOT within 30 days of receipt in accordance with 25 Pa. Code § 102.7(c) (relating to permit termination).

## Final Certification

1. The permittee shall enclose with the NOT “Record Drawings” with a final certification statement from a licensed professional, which reads as follows:

“I (name) do hereby certify pursuant to the penalties of 18 Pa. C.S.A. § 4904 to the best of my knowledge, information, and belief, that the accompanying record drawings accurately reflect the as built conditions, are true and correct, and are in conformance with Chapter 102 of the rules and regulations of the Department of Environmental Protection and that the project site was constructed in accordance with the approved PCSM Plan, all approved plan changes, and accepted construction practices.”

2. The permittee shall retain a copy of the record drawings as part of the approved PCSM Plan. The permittee shall also provide a copy of the record drawings as part of the approved PCSM Plan to the persons identified as responsible for the long-term operation and maintenance of PCSM BMPs. Permittees shall also provide copies of both the record drawings and the long-term operation and maintenance plan to DEP, the authorized conservation district, and municipality.

The General NPDES Permit for Stormwater Discharges Associated with Construction Activities PAG-02 is effective on **December 8, 2017** and shall expire on **December 7, 2019** unless reissued or extended on or before this date by DEP.

# EFFLUENT LIMITATIONS, MONITORING, AND REPORTING REQUIREMENTS

## EFFLUENT LIMITATIONS

### BMPs

Except as required by 25 Pa. Code §102.11(c), this permit establishes narrative performance based effluent limitations in the form of BMPs identified in E&S Plans, PCSM Plans, and PPC Plans, which control the volume, rate, and quality of stormwater runoff and associated pollutants from being discharged into surface waters, and which replicate preconstruction infiltration and runoff conditions to the maximum extent practicable. Section 102.11(c) incorporates by reference federal Effluent Limitation Guidelines in 40 CFR Part 450 (relating to the construction and development point source category).

## Applicable Effluent Limitations

Activities covered under this permit must comply with applicable effluent limitations established in 25 Pa. Code Chapters 91, 92a, 93, 96, 102, and 105 and any applicable federal law or regulation, including the effluent guidelines for construction at 40 CFR Part 450.

## Water Quality Based Effluent Limitations

Water quality based effluent limitations are applicable to activities conducted under this permit when required under applicable state or federal law or regulation to ensure that the water quality standards of the receiving water are attained. Activities conducted under this permit shall not result in a violation of such water quality standards.

# **MONITORING, INSPECTION, AND REPORTING REQUIREMENTS**

## Visual Inspections

The permittee and co-permittee(s) must ensure that visual site inspections are conducted and documented weekly, and within 24 hours after each measurable stormwater event throughout the duration of construction and until the receipt and acknowledgement of the NOT by DEP or the authorized conservation district. The visual site inspections and reports shall be completed on a form developed by DEP, and conducted by qualified personnel, trained and experienced in erosion and sediment control, to ascertain that E&S, PCSM and PPC BMPs are properly constructed and maintained to effectively minimize pollution to the waters of this Commonwealth. A written report of each inspection shall be kept and include at a minimum.



1. A summary of site conditions, E&S and PCSM BMPs, implementation and maintenance and compliance actions; and
2. The date, time, name and signature of the person conducting the inspection.

### Licensed Professional Oversight of Critical Stages

A licensed professional or a designee shall be present onsite and be responsible for oversight of critical stages of implementation of the approved PCSM Plan. The critical stages may include the installation of underground treatment or storage BMPs, structurally engineered BMPs, or other BMPs as deemed appropriate by DEP or the authorized conservation district.

## Noncompliance Reporting

Where E&S, PCSM or PPC BMPs are found to be inoperative or ineffective during an inspection or any other time the permittee becomes aware of any incident causing or threatening pollution as described in 25 Pa. Code § 91.33 (relating to incidents causing or threatening pollution), as required by 25 Pa. Code § 92a.41(b) (relating to conditions applicable to all permits), the permittee and co-permittee(s) shall, within 24 hours, contact DEP or the authorized conservation district, by phone or personal contact, followed by the submission of a written report within five (5) days of the initial contact. Noncompliance reports shall include the following information:

1. Any condition on the project site which may endanger public health, safety, or the environment, or involve incidents which cause or threaten pollution;

2. The period of noncompliance, including exact dates and times and/or anticipated time when the activity will return to compliance;
3. Steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance; and
4. The date or schedule of dates, and identifying remedies for correcting noncompliance conditions.

## Supplemental Monitoring

DEP or the authorized conservation district may require additional monitoring where an increased risk of potential water pollution is present, or water pollution is suspected to be occurring from a construction activity subject to this General Permit, or for any reason in accordance with 25 Pa. Code § 92a.61 (relating to monitoring). The permittee or co-permittee shall commence such monitoring upon notification from DEP or the authorized conservation district.

## Availability of Reports

Except for data determined to be confidential under Section 607 of the Clean Streams Law, all reports and other information prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate DEP Regional Office or authorized conservation district.

# RECORD KEEPING

## Retention of Records

The permittee and co-permittee(s) shall retain records of all monitoring information including copies of all monitoring and inspection reports required by this permit, all monitoring information (including site log book, calibration and maintenance records) and records of data used to complete the NOI for this permit, for a period of three years from the date of the termination of coverage under this permit as required by 25 Pa. Code § 92a.61(f)(2). This period of retention must be extended during the course of any unresolved compliance, enforcement, or litigation or when requested by DEP or the authorized conservation district.

## Reporting of Monitoring Results

Visual inspection monitoring results shall be submitted to DEP or the authorized conservation district upon request.

## **DISCHARGES CONSISTENT WITH TERMS AND CONDITIONS OF THE PERMIT**

All discharges authorized by this NPDES permit shall be consistent with the terms and conditions of the permit.

# MANAGEMENT REQUIREMENTS

Permit Modification, Termination, or Revocation and Reissuance

Duty to Provide Information

Signatory Requirements

Transfer/Change of Ownership or Control

Removed Substances

Solids, sediments, and other pollutants removed in the course of treatment or control of stormwater shall be disposed in accordance with federal and state law and regulations, in order to prevent any pollutant in such materials from adversely affecting the environment.

## BMP Construction, Operation and Maintenance

The permittee and co-permittee(s) are responsible for the design, installation, operation, and maintenance of the BMPs identified in the E&S Plan, PCSM Plan, and PPC Plan.

## Adverse Impact

The permittee and co-permittee(s) shall take all reasonable steps to prevent, minimize, or cease any discharge in violation of this permit.



## Reduction, Loss, or Failure of BMP

Upon reduction, loss, or failure of any BMP, the permittee and co-permittee shall take immediate action to restore, repair, or replace the BMP or provide an alternative method of treatment. Such restored BMP or alternative treatment shall be at least as effective as the original BMP when properly installed. These actions should be undertaken to ensure that there are no pollutants or pollution discharged to the waters of the Commonwealth. This requirement is applicable in situations where the BMP is rendered ineffective, whether the cause or source of the reduction, loss or failure is within or beyond the control of the permittee or co-permittee.

# COMPLIANCE RESPONSIBILITIES

## Duty to Comply

The permittee and co-permittee must comply with all terms and conditions of this General Permit. Any permit noncompliance constitutes a violation of the Pennsylvania Clean Streams Law and the federal Clean Water Act and is grounds for enforcement action; for permit termination, revocation, reissuance, or modification; or for denial of a permit or permit renewal.

## Right of Entry

Pursuant to Sections 5(b) and 305 of the Pennsylvania Clean Streams Law (35 P.S. §§691.5(b) and 691.305), 25 Pa. Code Chapter 92a, and §1917-A of the Administrative Code of 1929, the permittee and co-permittee shall allow the Secretary of DEP, the EPA Regional Administrator, and/or an authorized representative of EPA, or DEP, including a delegated conservation district or, in the case of a facility which discharges to a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents, as may be required by law, to:

1. Enter upon the permittee's or co-permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of this permit;
3. Inspect any facilities or equipment (including monitoring and control equipment); and
4. Observe or sample any discharge of stormwater.

## **OTHER CONDITIONS**

### **PROHIBITION OF NONSTORMWATER DISCHARGES**

All discharges covered by this permit shall be composed entirely of stormwater. Discharges of material other than stormwater must be in compliance, when required, with an NPDES permit (other than this permit) issued for the discharge. Discharge of sewage or industrial waste (other than sediment under this permit) to an E&S BMP is not permitted.

The permittee/co-permittee may not discharge floating materials, oil, grease, scum, foam, sheen, and substances which: produce odor, taste, or turbidity or settle to form deposits in concentrations or amounts sufficient to be, or create a danger of being, inimical to the water uses to be protected or human, animal, plant, or aquatic life.

# EROSION AND SEDIMENT CONTROL PLANS

Unless otherwise authorized by DEP or the authorized conservation district after consultation with DEP, earth disturbance activities shall be planned and implemented to the extent practicable in accordance with the following:

1. Minimize the extent and duration of earth disturbance.
2. Maximize protection of existing drainage features and vegetation.
3. Minimize soil compaction.
4. Utilize other measures or controls that prevent or minimize the generation of increased stormwater runoff.

An E&S Plan shall be prepared and implemented in accordance with the requirements of 25 Pa. Code Chapter 102 and by a person trained and experienced in erosion and sediment control methods and techniques applicable to the size and scope of the project being designed. Each E&S Plan must be submitted to and approved by DEP or the authorized conservation district. The BMPs shall be designed to minimize the potential for accelerated erosion and sedimentation in order to protect, maintain, reclaim, and restore water quality and existing and designated uses. Various BMPs and their design standards are listed in the Erosion and Sediment Pollution Control Program Manual, No. 363-2134-008, as amended and updated. The manual is available from DEP or the authorized conservation district or can be downloaded from DEP's website at [www.dep.pa.gov](http://www.dep.pa.gov). E&S Plans and BMPs, and revisions thereto, which meet the requirements of 25 Pa. Code Chapters 93, 96 (relating to water quality standards implementation), and 102, are conditions of this permit and are incorporated by reference.

E&S Control Plans required under this permit are considered reports that shall be available to the public under Section 607 of the Clean Streams Law and 25 Pa. Code Chapter 92a of DEP's regulations. The owner or operator of a facility with stormwater discharges covered by this permit shall make E&S Plans available to the public upon request. E&S Plans must be made available at the site of the construction activity at all times.

The approved E&S plan, including the staging of earth disturbance activities and maintenance requirements, must be followed.

Upon the installation or stabilization of all perimeter sediment control BMPs and at least three (3) days prior to proceeding with the bulk earth disturbance activities, the permittee or co-permittee shall provide notification to DEP or the authorized conservation district.



The E&S Plan must be consistent with the assumptions and requirements of any available Wasteload Allocations (WLAs) as set forth in any applicable Total Maximum Daily Loads (TMDLs) established for the receiving waters.

## **RECYCLING AND DISPOSAL OF BUILDING MATERIALS AND WASTES**

All building materials and wastes must be removed from the site and recycled or disposed in accordance with DEP's Solid Waste Management Regulations at 25 Pa. Code Chapter 260a (relating to hazardous waste management system: general), Chapter 271 (related to municipal waste management system – general provisions), and Chapter 287 (relating to residual waste management system – general provisions). No building material or wastes or unused building materials shall be burned, buried, dumped, or discharged at the site.

# **PREPAREDNESS, PREVENTION, AND CONTINGENCY (PPC) PLANS**

If toxic, hazardous, or other polluting materials will be on site, the permittee or co-permittee(s) must develop a PPC Plan for use while those materials are on-site in accordance with 25 Pa. Code § 91.34 (relating to activities utilizing pollutants). The PPC Plan shall identify areas which may include, but are not limited to, waste management areas, raw material storage areas, fuel storage areas, temporary and permanent spoils storage areas, maintenance areas, and any other areas that may have the potential to cause noncompliance with the terms and conditions of this permit due to the storage, handling, or disposal of any toxic or hazardous substances such as oil, gasoline, pesticides, herbicides, solvents, concrete washwaters, etc. BMPs shall be developed and implemented for each identified area. The PPC Plan shall be maintained on site at all times and shall be made available for review at DEP's or the authorized conservation district's request.

# POST CONSTRUCTION STORMWATER MANAGEMENT PLANS

The management of post construction stormwater shall be planned and conducted to the extent practicable in accordance with the following:

1. Preserve the integrity of stream channels and maintain and protect the physical, biological, and chemical qualities of the receiving stream.
2. Prevent an increase in the rate of stormwater runoff.
3. Minimize any increase in stormwater runoff volume.
4. Minimize impervious areas.

5. Maximize the protection of existing drainage features and existing vegetation.
6. Minimize land clearing and grading.
7. Minimize soil compaction.
8. Utilize other structural or nonstructural BMPs that prevent or minimize changes in stormwater runoff.

A PCSM Plan shall be prepared and implemented in accordance with the requirements of 25 Pa. Code Chapter 102 and by a person trained and experienced in PCSM design methods and techniques applicable to the size and scope of the project being designed. The management of post construction stormwater shall be planned and conducted in accordance with 25 Pa. Code §102.8. Various BMPs and their design standards are listed in the Pennsylvania Stormwater Best Management Practices Manual, No. 363-0300-002, as amended and updated. The manual is available from DEP or the authorized conservation district or can be downloaded from DEP's website at [www.dep.pa.gov](http://www.dep.pa.gov). Each PCSM Plan must be submitted to DEP or the authorized conservation district. The PCSM plan must employ stormwater management BMPs to control the volume, rate, and water quality of the postconstruction stormwater runoff so as to protect and maintain the chemical, physical, biological properties, and existing and designated uses of the waters of this Commonwealth.

PCSM Plans required under this permit are considered reports that shall be available to the public under Section 607 of the Clean Streams Law and 25 Pa. Code Chapter 92a of DEP's regulations. The owner or operator of a facility with stormwater discharges covered by this permit shall make PCSM Plans available to the public upon request. The PCSM Plans must be made available at the site of the construction activity at all times.

A licensed professional or their designee shall be present on-site and be responsible for oversight of critical stages of implementation of the approved PCSM Plan. The licensed professional will be responsible to provide a final certification, pursuant to 25 Pa. Code § 102.8(I) along with the required NOT and record drawings, indicating that the project site was constructed in accordance with the approved or modified PCSM Plan.

The PCSM Plan must be consistent with the assumptions and requirements of any available WLAs as set forth in any applicable TMDLs established for the receiving waters.

The portion of a site reclamation or restoration plan that identifies PCSM BMPs to manage stormwater from pipelines or other similar utility infrastructure may be used to satisfy the PCSM requirements if the PCSM reclamation, or restoration plan meets the requirements of 25 Pa. Code §§ 102.8(b), (c), (e), (f), (h), (i) and (l), and when applicable, (m).

# **PRE-CONSTRUCTION MEETING**

## **SPOIL OR BORROW AREAS**

An E&S Plan or other authorization meeting the regulatory requirements detailed in 25 Pa. Code § 102.4(b) shall be reviewed and approved by DEP or the authorized conservation district and implemented for all spoil and borrow areas, regardless of their location.

Clean Fill Requirements – Any person placing clean fill that has been affected by a spill or release of a regulated substance must use DEP Form FP-001 (Certification of Clean Fill) to certify the origin of the fill material and the results of the analytical testing to qualify the materials as clean fill. The form must be retained by the owner of the property receiving the fill. Fill material not qualifying as clean fill is regulated fill and must be managed in accordance with DEP's municipal or residual waste regulations based on 25 Pa. Code Chapters 271 or 287, whichever is applicable.



## PHASED PROJECTS

Prior to the commencement of earth disturbance activities for subsequent phases of the project, the permittee or co-permittee shall submit an E&S Plan and PCSM Plan and supporting information for each additional phase or portion of the project to DEP or the authorized conservation district for approval. Coverage under this permit is only granted for those phases or portions of a project for which an E&S Plan and PCSM Plan has been submitted and approved by DEP or the authorized conservation district. Permittees and co-permittees with phases commenced after expiration of this PAG-02 General Permit shall be responsible for complying with the final renewed, reissued, or amended General Permit.

## **WETLAND PROTECTION**

If hydric soils or other wetland features are present, a wetland determination must be conducted in accordance with DEP procedures. A copy of that wetland determination should be provided to DEP or the authorized conservation district as part of the NOI/application. All wetlands identified must be included on the E&S Plan and PCSM Plan. Special precautions must be taken to protect wetlands and other water resources identified in the NOI, plans, and other supporting documents.

## **INFILTRATION BMPs**

Where infiltration BMPs are being utilized, the permittee and co-permittee must ensure that soil compaction is avoided or minimized in those areas. If the areas planned for infiltration BMPs are compromised through compaction or other means, additional soil testing must be performed to verify that the BMP will perform as planned.

## **STABILIZATION**

Upon final completion of an earth disturbance activity or any stage or phase of an activity; or temporary cessation of the earth disturbance activity, or any stage or phase of an activity where the cessation of earth disturbance will exceed four (4) days, the project site shall be immediately stabilized in accordance with the requirements of 25 Pa. Code §102.22(a) or (b) (relating to site stabilization), as applicable. E&S BMPs shall be implemented and maintained until permanent stabilization is completed. Once permanent stabilization has been established the temporary E&S BMPs shall be removed. Any areas disturbed in the act of removing temporary E&S BMPs shall be permanently stabilized upon completion of the temporary E&S BMP removal activity.

## **SEWAGE FACILITIES**

Earth disturbance may not commence until all related Act 537 Sewage Facilities Planning approvals have been obtained.

## **LONG-TERM OPERATION AND MAINTENANCE**

The permittee or co-permittee shall be responsible for long-term operation and maintenance of PCSM BMPs unless a different person is identified in the NOT and that person has agreed to long-term operation and maintenance of PCSM BMPs.

For any property containing a PCSM BMP, the permittee or co-permittee shall record an instrument with the Recorder of Deeds which will assure disclosure of the PCSM BMP and the related obligations in the ordinary course of a title search of the subject property. The recorded instrument must identify the PCSM BMP, provide for necessary access related to long-term operation and maintenance for PCSM BMPs, and provide notice that the responsibility for long-term operation and maintenance of the PCSM BMPs is a covenant that runs with the land that is binding upon and enforceable by subsequent grantees, and provide proof of filing with the NOT under 25 Pa. Code §§ 102.7(b)(5) and 102.8(m)(2).

For Commonwealth-owned property, a covenant that runs with the land is not required until the transfer of the land containing a PCSM BMP occurs. Upon transfer of the Commonwealth-owned property containing the PCSM BMP, the deed must comply with 25 Pa. Code § 102.8(m). An agency of the federal government shall not be required to make or record a declaration of covenants on its property until transfer of the property to a non-federal or non-Commonwealth entity or individual. Upon transfer of the Commonwealth-owned or federally-owned property containing the PCSM BMP, the deed must comply with 25 Pa. Code § 102.8(m).

The person responsible for performing long-term operation and maintenance may enter into a written agreement with another person, including a conservation district, nonprofit organization, municipality, authority, private corporation, or other person, to transfer the responsibility for PCSM BMPs or to perform long-term operation and maintenance and provide notice thereof to DEP.

A permittee or co-permittee that fails to transfer long-term operation and maintenance of the PCSM BMPs or otherwise fails to comply with this requirement, shall remain jointly and severally responsible with the landowner for long-term operation and maintenance of the PCSM BMPs located on the property.

Unless a later date is approved by DEP in writing, the permittee shall record an instrument as required under 25 Pa. Code § 102.8(m)(2) and paragraph XIV B above within 45 days from the date of issuance of this permit or authorization. Unless DEP authorizes a different procedure, the long-term operation and maintenance plan shall be recorded along with the instrument. Unless a later date is approved by DEP in writing, the permittee shall provide the authorized conservation district and DEP with the date and place of recording along with a reference to the docket, deed book or other record, within 90 days from the date of issuance of this permit or authorization.

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 operation and maintenance 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 operation and maintenance of the PCSM BMPs and how access to the BMPs will be achieved and shall obtain approval from the purchaser, grantee or transferee. Unless a later date is approved by DEP in writing, the permittee shall provide the conservation district and DEP with notice of compliance with this section within 45 days from the date of transfer of the property and at the time the permittee files a Notice of Termination.



## **VOLUNTARY RIPARIAN FOREST BUFFERS**

Persons that protect, convert, or establish a new riparian forest buffer that meets the requirements of 25 Pa. Code § 102.14(b) (relating to riparian buffer requirements) may qualify for benefits under 25 Pa. Code § 102.14(e)(1) and (2) relating to the antidegradation presumption and trading or offsetting of credits.

## **MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s) MCM FULFILLMENT**

MS4s subject to PAG-13 permit coverage requirements may choose to rely on Pennsylvania's Chapter 102 permitting program and this permit to satisfy their MS4 NPDES permit obligations related to their MCM 4 (Construction) and MCM 5 (Post Construction), BMPs 1 through 3 obligations as part of a qualified local program.

## **PUBLIC NOTICE FOR NOIs INCLUDING AN OFFSET**

NOIs that propose an offset of stormwater or riparian forest buffers shall have a thirty day public notice period in the Pennsylvania Bulletin before the final authorization of the permit(s) including the offset or trade.



# INDUSTRIAL STORMWATER

## PAG-03

By  
RT Environmental Services, Inc.  
Gary R. Brown, P.E.  
President



# INDUSTRIAL STORMWATER

The federal regulations at 40 CFR 122.26 identify specific classes of industrial facilities that must apply for NPDES permit coverage. In addition, DEP may require any other facility not identified in the federal regulations to obtain a permit if DEP finds that the facility or activity is resulting in the discharge of pollutants to waters of the Commonwealth.

Facilities that are required to obtain NPDES permit coverage may, if eligible, apply for this coverage under DEP's [NPDES General Permit for Discharges of Stormwater Associated with Industrial Activities \(PAG-03\)](#) (3850-PM-BCW0083d). The PAG-03 General Permit was reissued on September 24, 2016 for a new 5-year term.

If a facility is not eligible for coverage under the PAG-03 General Permit, it may apply for an individual NPDES permit, using DEP's [Individual NPDES Permit Application for Industrial Stormwater](#) (3800-PM-BCW0403). A common reason that a facility may not be eligible for PAG-03 General Permit coverage is location in a High Quality or Exceptional Value watershed, according to designated uses under [Chapter 93](#) or existing uses determined by DEP.

Individual permit coverage is generally for five years, with a requirement to submit a renewal application at least 180 days prior to the permit coverage expiration date if the discharge of pollutants will continue after the expiration date. Coverage under the PAG-03 General Permit does not expire; however, facilities with coverage must submit annual reports by May 1st each year to document activities in the previous calendar year and to indicate intent to continue operating under the PAG-03 General Permit.



For those facilities that qualify for PAG-03 General Permit coverage, an alternative to obtaining permit coverage is to request [No Exposure Certification](#) if the facility qualifies.

In general, all industrial materials and activities must be stored and conducted indoors or under roof for a facility to qualify for No Exposure Certification. The No Exposure Certification alternative is not available to facilities in High Quality or Exceptional Value watersheds, and must be renewed every five years.

For more information, contact the Bureau of Clean Water's Division of Planning and Permitting at 717-787-8184.

**PAG-03**

**NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM (NPDES)**

**GENERAL PERMIT FOR DISCHARGES OF  
STORMWATER ASSOCIATED WITH  
INDUSTRIAL ACTIVITY**

**FACT SHEET**

DEP published notice of the availability of a draft PAG-03 General permit in the Pennsylvania Bulletin on October 17, 2015 [45 Pa.B. 6245]. A 30-day comment period was provided, and interested parties were directed to submit comments to DEP's eComment system or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). The comment period ended on November 16, 2015. DEP received comments and questions from 41 different individuals and organizations during the comment period, and has developed a separate comment-response document. The reissued PAG-03 General Permit described in this document supersedes the PAG-03 General Permit that was issued on December 5, 2010 (i.e., previous PAG-03 General Permit).

The previous PAG-03 General Permit was administratively extended for one year to December 4, 2016. Permittees with permit coverage under the previous PAG-03 General Permit are automatically covered by the reissued PAG-03 General Permit on the date the General Permit is published in the Pennsylvania Bulletin.

# SCOPE

The PAG-03 General Permit is intended to provide NPDES permit coverage for discharges of stormwater associated with industrial activity, as defined at 40 CFR § 122.26(b)(14) (excluding §§ 122.26(b)(14)(iii) for mineral industry, 122.26(b)(14)(ix) for sewage treatment works and 122.26(b)(14)(x) for stormwater associated with construction activity), and other industrial stormwater discharges that may be required to obtain a permit under Pennsylvania's Clean Streams Law.

An industrial facility that already has or is required to obtain an individual NPDES permit for nonstormwater discharges may not use the PAG-03 General Permit for coverage of its stormwater discharges, as the stormwater discharges are incorporated into the individual permit. See “Discharges Not Authorized by the PAG-03 General Permit” below for additional criteria that limit coverage under the PAG-03 General Permit.

Industrial facilities that are required to obtain NPDES permit coverage for its stormwater discharges, and also have periodic non-stormwater discharges, may be eligible for PAG-03 General Permit coverage if the non-stormwater discharges are limited to the following (authorized non-stormwater discharges):

- Discharges from emergency/unplanned fire-fighting activities;
- Potable water, including water line flushings and fire hydrant flushings, that do not contain measurable concentrations of Total Residual Chlorine (TRC);

- Uncontaminated condensate from air conditioners, coolers/chillers, and other compressors (if treatment through an oil/water separator is provided) and from the outside storage of refrigerated gases or liquids;
- Irrigation drainage;
- Landscape water if such water does not contain pesticides, herbicides or fertilizers;
- Pavement wash waters where no detergents or hazardous cleaning products are used, and the wash waters do not come into contact with oil and grease deposits, sources of pollutants associated with industrial activities, or any other toxic or hazardous materials;



- Routine external building washdown / power wash water that does not use detergents or hazardous cleaning products (e.g., those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols);
- Uncontaminated ground water or spring water;
- Foundation or footing drains where flows are not contaminated with process materials;

- Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of a facility, but not intentional discharges from the cooling tower; and
- Other non-stormwater discharges, if identified in the sector-specific appendix of PAG-03.

The PAG-03 General Permit contains Parts A, B and C, which apply to all facilities, and appendices that are sector-specific. Table 1 below identifies the PAG-03 appendices, the SIC codes and industrial activities that are subject to the requirements in those appendices, and the source of the requirement for NPDES permit coverage (or otherwise No Exposure Certification). Facilities whose primary industrial activities do not fall within the SIC codes of a given appendix, but the activities are nonetheless similar, may be specified by DEP as needing to comply with that appendix.

PAG-03 Appendix	SIC Code	Industrial Activity	Source
J – Additional Facilities	Various	Other stormwater discharges designated as needing a permit or any facility discharging stormwater associated with industrial activity not described by any other appendix.	40 CFR § 122.26(a)(9)(i)(C) & (D) and or Pennsylvania Clean Streams Law
K – Existing Salt Storage and Distribution Sites	Various	Salt Storage and Distribution Piles	Pennsylvania Clean Streams Law
M – Asphalt Paving, Roofing Materials and Lubricants	2951, 2952	Asphalt Paving and Roofing Materials	40 CFR § 122.26(b)(14)(ii)
	2992, 2999	Miscellaneous Products of Petroleum and Coal	
P – Scrap and Waste Recycling Facilities	5093	Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling	40 CFR § 122.26(b)(14)(vi)
	5093	Source-Separated Recycling Facility	

If the SIC code characterizing the primary industrial activity is not listed above and/or industrial activities are not similar to those above, but all other eligibility requirements for PAG-03 General Permit coverage are met, DEP may allow PAG-03 coverage under Appendix J; otherwise, the facility will need to apply for individual permit coverage.

The discharge of stormwater associated with industrial activity into a storm sewer prior to discharge to surface waters does not alleviate the requirement to apply for NPDES permit coverage or No Exposure Certification, regardless of whether a permit has been issued to cover stormwater discharges from the storm sewer.

For example, an industrial site whose activities fall into the definition of stormwater associated with industrial activity and discharges stormwater to a municipal separate storm sewer system (MS4) permitted by DEP cannot claim that their stormwater discharges are covered by the MS4's NPDES permit; separate coverage for the industrial site is required. However, stormwater discharges to a separate or combined sanitary sewer system do not require independent permit coverage.

The NOI form (3850-PM-BCW0083b) must be completed by all persons seeking new, renewed or amended coverage under the PAG-03 General Permit. In addition, the NOI must be completed by all persons seeking new or renewed No Exposure Certification approval from DEP (except those sections of the NOI that do not apply to No Exposure).

## **NOI REQUIREMENTS**

Facilities seeking coverage under the PAG-03 General Permit shall submit an administratively complete and acceptable NOI at least 60 days prior to the planned date for commencing any new discharge. A facility authorized to discharge under an individual NPDES permit who is seeking coverage under this General Permit may continue to discharge in accordance with the individual permit while DEP reviews the NOI and associated documents for coverage under this General Permit.



The intent of DEP in issuing the PAG-03 General Permit is that once approval to operate under the General Permit has been authorized by DEP, an NOI to renew coverage is not required unless specified by DEP in writing. This determination was based on the low potential for toxic or conventional pollutants in stormwater discharges where best management practices (BMPs) prescribed by the PAG-03 General Permit are implemented. Coverage will continue as long as DEP reissues the General Permit and compliance with the General Permit is maintained. Notice of each approval of coverage and reissuance of the PAG-03 General Permit will be published by DEP in the Pennsylvania Bulletin.

The NOI fee for coverage under this General Permit is \$500 per year the permittee operates under the General Permit. The initial \$500 is paid with the NOI for new permit coverage, and then an installment of \$500 will be paid each year, to be submitted with an annual report due on May 1, if stormwater discharges have not been terminated by the annual report due date.

# DISCHARGES NOT AUTHORIZED BY THIS GENERAL PERMIT

The following discharges are not authorized under this General Permit, and DEP may deny coverage under this General Permit when one or more of the following conditions exist:

1. Stormwater discharges that, individually or in combination with other similar discharges, are or have the potential to be a contributor of pollution, as defined in the Pennsylvania Clean Streams Law, which are more appropriately controlled under an individual permit. (25 Pa. Code § 92a.54(e)(1))

2. The discharger is not, or will not be, in compliance with any one or more of the conditions of the General Permit. (25 Pa. Code § 92a.54(e)(2))

3. Stormwater discharges proposed by a person responsible for other activities regulated by DEP who has failed and continues to fail to comply or has shown a lack of ability or intention to comply with a regulation, permit, schedule of compliance or order issued by DEP. (25 Pa. Code § 92a.54(e)(3))

4. Stormwater discharges that contain pollutants for which a change has occurred in the availability of demonstrated technology or practices for the control or abatement of the pollutants. (25 Pa. Code § 92a.54(e)(4))

5. Stormwater discharges for which categorical point source effluent limitations are promulgated by the U.S. Environmental Protection Agency (EPA) and other sector-specific prohibited discharges identified in the appendices to this General Permit. (25 Pa. Code § 92a.54(e)(5))

6. Stormwater discharges that are not in compliance or will not result in compliance with an applicable effluent limitation or water quality standard. (25 Pa. Code § 92a.54(e)(6))

7. Stormwater discharges from a facility for which an individual permit is required for other point source discharges, and issuance of both an individual permit and authorization for coverage under a General Permit for the facility would constitute an undue administrative burden on DEP. (25 Pa. Code § 92a.54(e)(7))

8. Stormwater discharges that DEP determines require an individual NPDES permit to ensure compliance with the Federal Clean Water Act, the Pennsylvania Clean Streams Law or DEP regulations. (25 Pa. Code § 92a.54(e)(8))

9. Stormwater discharges to surface waters classified as High Quality (HQ) or Exceptional Value (EV) waters under 25 Pa. Code Chapter 93 (relating to Water Quality Standards), unless such discharges are “grandfathered.” (25 Pa. Code § 92a.54(e)(9))

10. Stormwater discharges containing toxic or hazardous pollutants as defined in sections 307 and 311 of the Clean Water Act (33 U.S.C. §§ 1317 and 1321), or any other substance which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or contribute to an increase in mortality or morbidity in either an individual or the total population, or pose a substantial present or future hazard to human health or the environment when discharged into surface waters. (25 Pa. Code § 92a.54(a)(5))

11. Stormwater discharges that individually or cumulatively have the potential to cause or contribute to a violation of an applicable water quality standard established under 25 Pa. Code Chapter 93 (relating to water quality standards) or cause significant adverse environmental impact. (25 Pa. Code § 92a.54(a)(7))

12. Stormwater discharges to impaired waters (with or without an approved Total Maximum Daily Load (TMDL)) where the discharges contain or are expected to contain parameters at concentrations that have the potential to cause or contribute to the impairment, and stormwater discharges that are subject to a wasteload allocation (WLA) in a TMDL.



13. Stormwater discharges that would adversely affect a listed endangered or threatened species or its critical habitat. (25 Pa. Code § 92a.12(c))

14. Stormwater discharges from a facility covered by an individual permit when coverage under the General Permit would result in less stringent effluent limitations or terms and conditions.

15. Non-stormwater discharges and stormwater discharges containing pollutants that are intentionally introduced by the permittee, unless specifically authorized by DEP.

16. Stormwater discharges associated with construction activity as defined in 40 CFR § 122.26(b)(14)(x) or 40 CFR § 122.26(b)(15); stormwater discharges associated with mineral extraction activity as defined in 40 CFR § 122.26(b)(14)(iii); and stormwater discharges associated with treatment works treating domestic sewage as defined in 40 CFR § 122.26(b)(14)(ix).

17. Stormwater discharges that occur at new or existing facilities with cooling water intake structures as defined in 40 CFR §§125.81 and 125.91, respectively.

18. Stormwater discharges where one or more of the sector-specific discharge prohibitions apply, as identified in the appendices to the General Permit.

**NOTE** – If NPDES permit coverage is required for stormwater associated with mining activities, the operator should submit an NOI for GP-104 NPDES permit coverage to the appropriate DEP district mining office. Non-mining industrial activities that are located at mining sites may be covered by the PAG-03 General Permit except as follows, which should apply for GP-104 permit coverage:

- Asphalt plants located within a permitted mine site and all drainage is to the permitted mine site. (If the mine closes and the asphalt plant wishes to continue to operate, the operator would need to apply for PAG-03 General Permit coverage or an individual NPDES permit).

- Asphalt plants located outside but contiguous to a permitted mine site and all drainage is to the permitted mine site.

## **PART A – EFFLUENT LIMITATIONS**

The PAG-03 General Permit establishes effluent limitations through the implementation of best management practices (BMPs), as specified in Part C II (general BMPs applicable to all facilities) and the sector-specific appendices of the General Permit, to reduce the discharge of pollutants in stormwater discharges associated with industrial activity.

All stormwater discharges must comply with all applicable requirements established in accordance with 25 Pa. Code Chapters 91-96, 102, and 105 of DEP's rules and regulations. For all permittees covered under this General Permit, DEP may, upon written notice, require additional BMPs or other control measures to ensure that the water quality standards of the receiving waters are attained.

In addition, the permittee may not discharge the following, which are narrative effluent limitations used to implement specific provisions of DEP's regulations:

1. Floating solids, scum, sheen or substances that result in observed deposits in the receiving water. (25 Pa. Code § 92a.41(c))
2. Oil and grease in amounts that cause a film or sheen upon or discoloration of the waters of this Commonwealth or adjoining shoreline. (25 Pa. Code §§ 92a.47(a)(7), 95.2(2))



3. Substances in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life. (25 Pa. Code § 93.6(a))

4. Foam or substances that produce an observable change in the color, taste, odor or turbidity of the receiving water. (25 Pa. Code § 92a.41(c))

The general BMPs contained in Part A of the previous PAG-03 General Permit have been reorganized and moved to Part C of the reissued PAG-03 General Permit.

# **PART A – SELF-MONITORING, REPORTING AND RECORDKEEPING**

In general, these requirements are used in DEP's individual NPDES permits, and identify the following key elements of monitoring, reporting and recordkeeping under the General Permit that are generally required by state and federal regulations:

- Representative sampling requirements, records retention requirements, recording of results, analytical test procedures, and quality assurance and control.

- Reporting of monitoring results, including the requirement to submit Discharge Monitoring Reports (DMRs), the method that DMRs must be submitted and signatory requirements. The U.S. Environmental Protection Agency (EPA) published a final rulemaking in 2015 that requires (with certain exceptions) that NPDES-permitted facilities submit DMR data electronically. As a result, DEP has required the use of its electronic DMR (eDMR) system in the PAG-03 General Permit for submission of semiannual DMR by permittees.
- Other reporting requirements, including planned changes to physical facilities, unanticipated non-compliance or potential pollution reporting and other non-compliance.

In addition, the General Permit requires the submission of an annual report by May 1, with an installment of the NOI fee of \$500 (unless the permittee indicates that the discharge(s) have been or will be terminated by the annual report due date). The use of an annual report template (3850-PM-BCW0083h) is required. DEP may in the future require submission of the annual report electronically.

Part A of the General Permit was updated to conform to DEP's latest regulatory language in 25 Pa. Code Chapter 92a.

## **PART B – STANDARD CONDITIONS**

In general, these requirements are used in DEP's individual NPDES permits, and identify other responsibilities of permittees that are covered under the General Permit, including:

- Achieving compliance with compliance schedules of the General Permit.
- Procedures for permit modification, termination or revocation and reissuance.
- Duties to provide information to DEP.
- Proper operation and maintenance.

- Duties to mitigate to prevent discharges, sludge use or disposal.
- Procedures relating to bypassing treatment facilities.
- Penalties and liabilities for violating permit conditions or limitations, or falsifying information.
- Provisions to provide entry to DEP and EPA to the facility, have access to records, and inspect and monitor facility operations at reasonable times.
- Procedures for transferring coverage under the General Permit.

- Clarification that property rights are not conveyed by coverage under the General Permit.
- Duty to reapply when notified by DEP in writing.

Part B of the General Permit was updated to conform to DEP's latest regulatory language in 25 Pa. Code Chapter 92a.

## PART C – SPECIAL CONDITIONS

The Part C of the reissued PAG-03 General Permit has been reorganized and amended in comparison to the previous General Permit, as follows:

- **Section I** – Clarification has been added that the outfalls identified in the NOI are authorized under the approval of coverage. The NOI has been amended to require reporting of all stormwater outfalls (the previous NOI did not request this information). The list of authorized non-stormwater discharges is consistent with EPA's MSGP and has not significantly changed from the previous PAG-03 General Permit.



- **Section II** – General BMPs that apply to all industrial sectors were relocated from Part A of the previous PAG-03 General Permit to Part C II. The BMPs were updated to conform to the general BMPs contained in EPA’s MSGP. DEP is providing a one year “transition period” for any applicable BMPs that existing permittees must implement that were not part of the previous General Permit. This section also directs permittees to implement the applicable sector-specific BMPs contained in the appendices. Since DEP cannot consider every possible scenario where BMPs may be applicable, DEP has included a provision that alternatives to the sector-specific BMPs may be implemented if authorized by DEP.

- **Section III** – EPA's MSGP calls for quarterly inspections of areas where industrial materials or activities are exposed to stormwater, areas identified in the stormwater pollution prevent plan as potential pollutant sources, areas where spills or leaks have occurred in the past three years, stormwater outfalls and locations where authorized non-stormwater discharges may commingle, and physical BMPs. Although the previous PAG-03 General Permit calls for annual inspections only, DEP has determined that semiannual visual inspections of these areas, activities and practices are more effective at controlling pollutants in stormwater discharges, and is specifying semiannual visual inspections for all PAG-03 permittees.

These inspections would need to be reported to DEP as part of the annual report due May 1 of each year. DEP believes that semiannual inspections are adequate for industrial stormwater facilities and this inspection frequency aligns with the semiannual monitoring requirements for most sectors.

- **Section IV** – DEP has updated the Preparedness, Prevention and Contingency (PPC) Plan conditions of the PAG-03 General Permit to be consistent with the latest language used for individual NPDES permits for industrial stormwater discharges. In comparison to the previous PAG-03 General Permit, significant changes include: 1) removal of the requirement for engineering certification of PPC Plans every year for facilities subject to SARA Title III, Section 313, and 2) required annual review and update as necessary of the PPC Plan, to be documented in the annual report. In addition, a PPC Plan will be required as part of each complete NOI submission, including No Exposure Certification submissions.

- Section V – Several provisions of the monitoring requirements of the PAG-03 General Permit have been modified in comparison to the previous General Permit:
  - The General Permit now clarifies that if the applicant or permittee reports that specific outfalls discharge stormwater commensurate with “no exposure conditions” (see 40 CFR § 122.26(g)), monitoring of pollutants per the sector-specific PAG-03 appendices is not required at those outfalls. The permittee will need to document ongoing conditions of such outfalls in the annual report.
  - Monitoring will need to be performed at the outfalls designated by the permittee as “representative outfalls” in the NOI or in annual reports.

- A condition has been introduced that would require, upon written notice from DEP, permittees to provide for an accessible location to collect stormwater samples if none currently exists; for example, an inlet box or equivalent must be installed to collect sheet flow for sampling purposes, if required by DEP.
- Clarification has been added that the permittee must collect stormwater samples at times where there is no commingling of non-stormwater discharges or at locations prior to the commingling of non-stormwater discharges.

- Benchmark values for specific pollutants have been added to the PAG-03 General Permit appendices. These values are not effluent limitations and exceedances of benchmark values are not violations; however, failure to develop and submit a corrective action plan (CAP) to remediate the exceedances and/or failure to implement corrective measures called for by the plan would generally be considered violations. A CAP must be submitted within 90 days following the end of a monitoring period when exceedances have occurred in two or more consecutive monitoring periods for the same pollutant at the same outfall. If there are two consecutive benchmark exceedances, a CAP must be submitted within 90 days; if the subsequent monitoring period also demonstrates benchmark exceedances, another CAP must be submitted. The CAP must be implemented immediately upon submission unless DEP authorizes a longer period of time for implementation in writing.

A CAP can be as simple as a letter from the permittee explaining what BMPs or other measures will be taken to reduce stormwater pollutant concentrations. The concept of benchmark values for industrial stormwater is consistent with EPA's MSGP and is considered important by DEP to evaluate the ongoing effectiveness of BMP implementation.



# SECTOR-SPECIFIC APPENDICES

## Table 2 – Cross-Walk Between Previous and Reissued PAG-03 Appendices

Previous PAG-03 Appendix	SIC Codes Associated with Previous Appendix	Reissued (New) PAG-03 Appendix
J – Additional Facilities	10*, 12*, 13, 14*, 25, 35, 36, 37, 38 and 44	J – Additional Facilities
	20, 21	I – Food and Kindred Products
	22, 23, 31 (except 311)	Q – Textile Mills, Apparel and Other Fabric Products
	24	D – Timber Products
	26 (including 265 and 267)	E – Paper and Allied Products
	27	R – Printing and Publishing
	28 (including 283)	F – Chemicals and Allied Products
	29	M – Asphalt Paving, Roofing Materials and Lubricants
	30	S – Rubber, Miscellaneous Plastic Products and Miscellaneous Manufacturing Industries
	32 (including 323)	N – Glass, Clay, Cement, Concrete and Gypsum Products
	34	U – Fabricated Metal Products
	39	S – Rubber, Miscellaneous Plastic Products and Miscellaneous Manufacturing Industries, except SIC Codes 3911 – 3915: U – Fabricated Metal Products
	40, 41, 42 and 43	L – Land Transportation and Petroleum Stations and Terminals
	45	G – Air Transportation Facilities
	4952	<b>Removed from PAG-03.</b> Sewerage systems required to obtain permit coverage for stormwater discharges associated with industrial activity have such discharges covered by an individual NPDES permit.

Previous PAG-03 Appendix	SIC Codes Associated with Previous Appendix	Reissued (New) PAG-03 Appendix
	4953	A – Hazardous Waste Treatment, Storage or Disposal Facilities or C – Landfills and Land Application Sites
	5015	O – Automobile Salvage Yards
	5093	P – Scrap and Waste Recycling Facilities
K – Salt Storage Piles and Salt Distribution Stockpiles	None listed	K – Existing Salt Storage and Distribution Sites

DEP has added new appendices for the following sectors:

- Asphalt Paving, Roofing Materials and Lubricants (Appendix M);

In general, DEP decided that semiannual monitoring for key pollutants for all sectors was appropriate. The previous PAG-03 General Permit required semiannual monitoring for most sectors and in DEP's experience this is sufficient to characterize stormwater associated with industrial activity (the MSGP requires quarterly monitoring of pollutants).

While DEP decided to implement the concept of benchmark values, it did not use all of the values specified in the MSGP. The following benchmark values were established by DEP, under the rationale that these benchmarks are adequate indicators of non-polluting stormwater discharges.

- Total Suspended Solids (TSS) (all appendices) – 100 mg/L, which is based on the MSGP.
- Chemical Oxygen Demand (COD) (Appendices A, C, D, E, F, G, I and P) – 120 mg/L, which is based on the MSGP.

- Chloride (Appendix K) – 2,000 mg/L, which is a value derived from best professional judgment of the maximum stormwater Chloride concentration that should be expected at a site that has fully implemented the BMPs in PAG-03. Stormwater sampling data collected by DEP at salt storage and distribution sites that are implementing the BMPs of the PAG-03 General Permit have typically demonstrated concentrations of Chloride below this value. In addition, a 2004 study by the Virginia Transportation Research Council found that the majority of samples collected from stormwater collection ponds at salt storage sites contained less than 2,000 mg/L of Chloride.

- BOD5 (Appendix G) – 30 mg/L, which is based on the MSGP.
- Oil and Grease (Appendices H, I, J, L, M, O and P) – 30 mg/L, which is based on professional judgment and 25 Pa. Code § 95.2(2)(ii).
- pH (Appendix N) – 9.0 S.U., which is a value derived from best professional judgment of the maximum stormwater pH that should be expected at a site that has fully implemented the BMPs in PAG-03. In addition, this pH value is an industrial wastewater treatment standard in 25 Pa. Code § 95.2(1).

DEP determined that it is not necessary to categorize facilities by whether or not they are regulated by SARA Title III, Section 313. DEP determined that the likelihood of stormwater pollution at such facilities is no greater than those not regulated by SARA Title III, Section 313. As a result, facilities that were subject to either Appendix A or Appendix J, depending on whether or not SARA Title III was applicable, will now be covered by a new sector-specific appendix or, if a facility's SIC code is not identified in such new appendices, Appendix J. Appendix A has been repurposed for hazardous waste treatment, storage or disposal facilities.

The following significant modifications were made to existing PAG-03 appendices (i.e., appendices in the previous General Permit that were retained for the reissued General Permit):

- Pollutants to be monitored were reevaluated and in most cases the number of pollutants was reduced.
- Monitoring frequency was standardized to once every six months across all appendices, which resulted in increased monitoring from 1/year to 1/6 months for certain appendices (e.g., Appendices H, I and J).



- Sector-specific discharge prohibitions were added to particular appendices to clarify that certain stormwaters or wastewaters were not authorized under the General Permit, based on the MSGP or 25 Pa. Code § 92a.54(e)(5).
- Sector-specific authorized non-stormwater discharges were added to particular appendices to clarify other non-stormwater discharges authorized by the General Permit beyond those identified in Part C I.

- Appendices G.1 and G.2 in the previous PAG-03 General Permit were consolidated into Appendix G in the reissued General Permit; the distinction between large and small airports is recognized by allowing small airports to reduce monitoring for the remainder of the General Permit term if two consecutive monitoring periods demonstrate stormwater concentrations below benchmark values.

- Appendices K.1 and K.2 in the previous PAG-03 General Permit were consolidated into Appendix K in the reissued General Permit. The distinction between large ( $\geq 3,000$  tons) and small ( $< 3,000$  tons) salt stockpiles is recognized by allowing permittees with small stockpiles to reduce monitoring for the remainder of the General Permit term if two consecutive monitoring periods demonstrate stormwater concentrations below benchmark values. The term “salt” was clarified to mean all solid chemical products stored and utilized for the principal purpose of deicing roadways for public safety. In addition, the appendix was clarified that it may be used to provide permit coverage for only existing stockpiles (those with current coverage under PAG-03).

DEP has made a finding under the Pennsylvania Clean Streams Law that salt storage and loading/unloading activities often result in pollution to waters of the Commonwealth, particularly at sites with large stockpiles. As a result, DEP has decided to require permit coverage or other DEP approval for new large stockpiles (that do not discharge to MS4s). New salt storage and distribution sites with large stockpiles must apply for and obtain an individual NPDES permit (or other DEP approval), whether or not such sites are co-located with other industrial activities requiring permit coverage.

New salt storage and distribution sites with small stockpiles are not required to seek permit coverage under an individual NPDES permit if the BMPs selected in Appendix K are implemented and maintained, unless otherwise notified by DEP in writing that permit coverage or other DEP approval is required. DEP has also taken this position for existing salt storage and distribution sites – permittees with large stockpiles that are not currently covered by PAG-03 (or an MS4 NPDES permit) must apply for an individual permit or receive other DEP approval, and permittees with small stockpiles do not need permit coverage (unless otherwise notified by DEP) if the BMPs in

Appendix K of the PAG-03 General Permit are implemented. No Exposure Certification for salt storage and distribution sites is generally available only for facilities whose material storage and handling activities are not exposed to precipitation (i.e., under roof).

3850-PM-BCW0083d 9/2016  
Permit



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF CLEAN WATER

**PAG-03**  
**AUTHORIZATION TO DISCHARGE UNDER THE**  
**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)**  
**GENERAL PERMIT FOR DISCHARGES OF**  
**STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITY**

**NPDES PERMIT NO: \_\_\_\_\_**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 et seq., and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 et seq.,

(permittee) is authorized to discharge from a facility known as (facility), located in , to in Watershed(s) in accordance with the effluent limitations, monitoring and reporting requirements, best management practices (BMPs) and other conditions set forth in Parts A, B and C and Appendix(ces) herein.



**APPROVAL OF COVERAGE TO DISCHARGE UNDER THIS GENERAL NPDES PERMIT IS AUTHORIZED BEGINNING ON . WHEN THE GENERAL PERMIT IS RENEWED, REISSUED OR MODIFIED, THE FACILITY OR ACTIVITY COVERED BY THE APPROVAL FOR COVERAGE MUST COMPLY WITH THE FINAL RENEWED, REISSUED OR MODIFIED GENERAL PERMIT.**

The authority granted by coverage under the PAG-03 NPDES General Permit (“General Permit”) is subject to the following further qualifications:

1. The permittee shall comply with the terms and conditions of the PAG-03 NPDES General Permit, including the monitoring and reporting requirements contained in Part A, the standard conditions in Part B, the special conditions in Part C, and the applicable appendix or appendices for all discharges of stormwater from the facility.

2. Submission of a Notice of Intent (NOI) is not required for renewal of coverage under this General Permit and coverage is automatically extended for the duration of the final renewed, reissued or amended General Permit, unless DEP notifies the permittee in writing that submission of an NOI is required. The permittee shall be responsible for complying with the final renewed, reissued or amended General Permit. If the permittee is unable to comply with the renewed, reissued or amended General Permit, the permittee shall submit an application for an individual NPDES permit within 90 days of the final General Permit publication.

3. If the permittee believes a conflict exists between the requirements in the NOI or its supporting documents and the terms and conditions of the PAG-03 NPDES General Permit, the permittee shall comply with the terms and conditions of the General Permit.

4. The Permittee's failure to comply with the terms, conditions, or effluent limitations of the PAG-03 NPDES General Permit is grounds for DEP to take an enforcement action, or to terminate or revoke coverage under this General Permit.

5. This PAG-03 NPDES General Permit does not authorize construction or modification of treatment facilities necessary to meet the terms and conditions of this General Permit.

The aforementioned approval is authorized by:

---

**Clean Water Program Manager  
Regional Office  
Department of Environmental Protection**

- 1 -

3850-PM-BCW0083d 9/2016

Permit



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF CLEAN WATER

**PAG-03**

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
GENERAL PERMIT FOR DISCHARGES OF  
STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITY**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 et seq. and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 et seq., the Department of Environmental Protection (DEP) hereby authorizes, subject to the terms and conditions contained in this General Permit, the discharge of stormwater associated with industrial activity to surface waters of the Commonwealth. This General Permit authorizes discharges to surface waters in accordance with monitoring and reporting requirements, BMPs and other conditions set forth in Parts A, B and C and the applicable appendix or appendices herein.

An eligible discharger may not commence a new discharge under this General Permit until the following conditions have been met:

1. The discharger has submitted a complete NOI in accordance with the requirements of this General Permit, using the NOI form provided by DEP.
2. The discharger has received a signed copy of this General Permit from DEP authorizing coverage under this General Permit.

DEP may deny coverage under this General Permit and require submission of an application for an individual permit based on a review of the NOI or other relevant information, including monitoring data.



When coverage is approved under this General Permit, coverage continues automatically as the PAG-03 NPDES General Permit is modified or reissued. The submission of an NOI to renew coverage is not required unless DEP notifies the permittee in writing that the submission of an NOI is required to continue coverage.

# SCOPE

This PAG-03 General Permit is intended to provide NPDES permit coverage for discharges of stormwater associated with industrial activity, as defined at 40 CFR § 122.26(b)(14) (excluding §§ 122.26(b)(14)(iii) for mineral industry, 122.26(b)(14)(ix) for sewage treatment works and 122.26(b)(14)(x) for stormwater associated with construction activity), and other industrial stormwater discharges that may be required to obtain a permit under Pennsylvania's Clean Streams Law.

An industrial facility that already has or is required to obtain an individual NPDES permit for non-stormwater discharges may not use the PAG-03 General Permit for coverage of its stormwater discharges, as the stormwater discharges are incorporated into the individual permit. An industrial facility whose non-stormwater discharges are not already covered by an individual permit may be eligible for General Permit coverage if the non-stormwater discharges are limited to those listed in Part C I.B. of this General Permit and the sector-specific non-stormwater discharges identified in the applicable appendix.

This PAG-03 General Permit contains Parts A, B and C, which apply to all facilities, and appendices that are sector-specific. Table 1 of the NOI Instructions (3850-PM-BCW0083a) identifies the PAG-03 appendices, the standard industrial classification (SIC) codes and industrial activities that are subject to the requirements in those appendices, and the source of the requirement for NPDES permit coverage (or otherwise no exposure certification). Facilities whose primary industrial activities do not fall within the SIC codes of a given appendix, but the activities are nonetheless similar, may be specified by DEP as needing to comply with that appendix.

# **APPENDIX M**

## **ASPHALT PAVING, ROOFING MATERIALS AND LUBRICANTS**

### **I. APPLICABILITY**

The requirements in Appendix M apply to stormwater discharges associated with industrial activity from Asphalt Paving, Roofing Materials and Lubricants facilities as identified by the following SIC Codes: 2951, 2952, 2992 and 2999. Other facilities may be required to comply with this appendix if notified by DEP in writing.

Appendix M does not cover stormwater discharges from oil recycling facilities, which are covered under Appendix P, and stormwater discharges associated with fats and oils rendering, which are covered under Appendix I.

## **II. SECTOR-SPECIFIC DISCHARGE PROHIBITIONS**

This General Permit does not cover the following discharges in this sector and an individual NPDES permit is required for such discharges:

A. Stormwater discharges from petroleum refining facilities, including those that manufacture asphalt or asphalt products, subject to effluent limitation guidelines in 40 CFR Part 419 (Petroleum Refining).<sup>166</sup>

B. Runoff from asphalt emulsion facilities, subject to effluent limitation guidelines in 40 CFR Part 443.

### **III. MONITORING REQUIREMENTS**

The permittee must monitor and report analytical results for the parameters listed below on Discharge Monitoring Reports (DMRs) for representative outfalls, subject to footnotes provided. The benchmark values listed below are not effluent limitations, and exceedances do not constitute permit violations. However, if the permittee's sampling demonstrates exceedances of benchmark values for two consecutive monitoring periods, the permittee shall submit a corrective action plan within 90 days of the end of the monitoring period triggering the plan.

Parameter	Monitoring Requirements <sup>(1)</sup>		Benchmark Values
	Minimum Measurement Frequency <sup>(2)</sup>	Sample Type	
pH (S.U.)	1 / 6 months	Grab	XXX
Oil and Grease (mg/L)	1 / 6 months	Grab	30
Total Suspended Solids (TSS) (mg/L)	1 / 6 months	Grab	100

Footnotes

- (1) In accordance with Part C V.B, the permittee shall conduct additional monitoring if specified by DEP in the letter authorizing permit coverage or other correspondence.
- (2) This is the minimum number of sampling events required. Permittees are encouraged to perform more than the minimum number of sampling events.



## **IV. SECTOR-SPECIFIC BMPs**

In addition to the BMPs contained in Part C II of the General Permit, the permittee shall implement, at a minimum, all of the following BMPs that are applicable to the processes in place at the facility for which coverage under this General Permit is approved.

A. Provide for secondary containment around asphalt and petroleum product tanks; install leak detection and high level overflow devices.

B. Practice good housekeeping by periodically removing dust and spilled materials from throughout the site.

C. Divert stormwater run-on from aggregate storage areas and design piles to minimize erosion and control runoff.

D. Only perform vehicle washing in dedicated areas; collect washwater from storm drainage separately.

E. Complete truck wheel washing if necessary to avoid off-site material tracking.

F. Utilize dust control agents.

G. Use biodegradable truck release materials.

H. Wash trucks using biodegradable washing materials or wash trucks indoors.

I. Use silt fences or rock filters around piles or sediment basins to control turbidity in runoff.

J. Ensure that vegetated drainage ditches and swales are properly seeded and any accumulated materials in them have been removed at least annually.

# **APPENDIX N**

## **GLASS, CLAY, CEMENT, CONCRETE AND GYPSUM PRODUCTS**

### **I. APPLICABILITY**

The requirements in Appendix N apply to stormwater discharges associated with industrial activity from Glass, Clay, Cement, Concrete and Gypsum Products facilities as identified by the following SIC Codes: 3211, 3221, 3229, 3231, 3241, 3251 – 3259, 3261 – 3269, 3271 – 3275, 3281, 3291 – 3299. Other facilities may be required to comply with this appendix if notified by DEP in writing.

## **II. SECTOR-SPECIFIC DISCHARGE PROHIBITIONS**

This General Permit does not cover the following discharges in this sector and an individual NPDES permit is required for such discharges:

A. Runoff from material storage piles at cement manufacturing facilities, subject to effluent limitation guidelines in 40 CFR Part 411.

B. Truck barrel cleaning water and solids.

### III. MONITORING REQUIREMENTS

The permittee must monitor and report analytical results for the parameters listed below on Discharge Monitoring Reports (DMRs) for representative outfalls, subject to footnotes provided. The benchmark values listed below are not effluent limitations, and exceedances do not constitute permit violations. However, if the permittee's sampling demonstrates exceedances of benchmark values for two consecutive monitoring periods, the permittee shall submit a corrective action plan within 90 days of the end of the monitoring period triggering the plan.

Parameter	Monitoring Requirements <sup>(1)</sup>		Benchmark Values
	Minimum Measurement Frequency <sup>(2)</sup>	Sample Type	
Total Suspended Solids (TSS) (mg/L)	1 / 6 months	Grab	100
Oil and Grease (mg/L)	1 / 6 months	Grab	30
Total Aluminum (mg/L)	1 / 6 months	Grab	XXX
Total Iron (mg/L)	1 / 6 months	Grab	XXX
Total Lead (mg/L)	1 / 6 months	Grab	XXX

### Footnotes

- (1) In accordance with Part C V.B, the permittee shall conduct additional monitoring if specified by DEP in the letter authorizing permit coverage or other correspondence.
- (2) This is the minimum number of sampling events required. Permittees are encouraged to perform more than the minimum number of sampling events.

## **IV. SECTOR-SPECIFIC BMPs**

In addition to the BMPs contained in Part C II of the General Permit, the permittee shall implement, at a minimum, all of the following BMPs that are applicable to the processes in place at the facility for which coverage under this General Permit is approved.

A. Where applicable, the permittee shall install and maintain an adequately sized and impermeable retention structure(s) for the collection of truck barrel cleaning water and solids. Accumulated solids shall be removed and disposed of in accordance with applicable laws and regulations, as necessary. The permittee shall reuse collected washwater where determined to be feasible.



B. Install and maintain runoff controls, as necessary, around truck wash off area(s). All wastewater collected in these area(s) shall be contained, reused, recycled on-site, or disposed of properly, as necessary.

C. The permittee shall install and maintain berms, inlets, underground piping, or other runoff control devices in truck loading areas and other areas that have the potential to cause stormwater pollution, to divert uncontaminated stormwater away from such areas.

D. Install and use dust control/collection systems around material handling, transfer, and mixing operations. Logs tracking dust control activities shall be maintained and kept on-site. All wastewater generated in these areas shall be reused/recycled on-site or otherwise disposed of in accordance with applicable laws and regulations.

E. Store raw materials in permanent structures (enclosed silos, hoppers, buildings or under other structural covering) to contain the materials and prevent material contact with precipitation or runoff. This BMP does not apply to aggregate materials (e.g., stone, sand, etc.) that may be present on-site unless DEP determines that such materials are causing or contributing to pollution, in which case the BMP shall be implemented upon receipt of written notification from DEP in accordance with a schedule provided by DEP or an approved alternate schedule.

F. Implement non-structural BMPs including, but not be limited to, routine housekeeping, dry clean-up of accumulated solids, and routine sweeping of impervious surfaces.

G. Install and maintain silt sacks or other systems designed to collect solid materials in stormwater inlets to prevent the discharge of solids as part of any corrective action plan required by the General Permit or otherwise upon receipt of written notification from DEP.



# MINING STANDARD OPERATING PROCEDURES

- APPLICATION REVIEW
- RAP STORAGE/STORMWATER

By  
RT Environmental Services, Inc.  
Gary R. Brown, P.E.  
President



**Standard Operating Procedure (SOP), for  
District Mining Operations Permit  
Application Review  
SOP No. BMP-001**

**Version date: June 20, 2016**

# **BACKGROUND**

The Department has established a permit decision guarantee (PDG) program to provide some certainty in the time required to obtain permits. For the mining program, the following applications are subject to the PDG.



<b>Application</b>	<b>Application Form</b>
Small Noncoal	5600-PM-BMP0316
Bluestone – GP105	5600-PM-BMP0027
Noncoal Blast Plan	5600-PM-BMP0315-16
Coal Blast Plan	5600-PM-BMP0311-16
Blasting Activity Permit	5600-PM-BMP0021 (or on-line)
GP103	5600-PM-BMP0004
GP104	5600-PM-BMP0388
GP12	2700-PM-AQ0212
NPDES	5600-PM-BMP0032
Bituminous Prep Plant/Underground/Refuse Disposal	5600-PM-BMP0324
Noncoal Underground Mine	5600-PM-BMP0315
Noncoal Bonding Increment	5600-FM-BMP0304
Bituminous Surface Mine	5600-PM-BMP0311
Anthracite Surface	5600-PM-BMP0343
Large Noncoal Mine	5600-PM-BMP0315

# PROGRAM SPECIFIC PRACTICES

In order for the Department to be able to meet the deadlines of the PDG, the following new applications which are inherently complex should be preceded by a pre-application. However, failure to submit a pre-application does not automatically void the PDG.

- NPDES
- Bituminous Prep Plant/Underground/Refuse Disposal
- Noncoal Underground Mine
- Bituminous Surface Mine
- Anthracite Surface Mine
- Large Noncoal Mine

Major revisions (i.e., those revisions which require newspaper public notice) for the applications listed above may require pre-applications in order for the Department to meet the deadlines of the PDG. Applicants should contact the DMO to discuss their plans to determine the necessity for the pre-application. As an example, a major revision that adds area to the permit and requires a new PNDI should include a pre-application. Alternatively, for example, a major revision that only adds blasting to the permit, or deletes permitted outfalls, would not benefit from a pre-application.

In order to assure prompt processing time, the Department will typically request that applicants address within 21 business days deficiencies noted in an initial correction letter. DEP may grant extensions to this request but may not extend the total PDG timeframe.

For permits that require bond, failure to meet the bond request deadline puts the application at risk for denial. The option of providing a minimum bond is available for applicants who do not plan to activate the permit promptly. The Department cannot indefinitely hold permits waiting for bond submittal.

Applicants are encouraged to discuss their plans with the DMO in order to facilitate the permit review process. This practice has proven effective in the past and it is not intended for the PDG process to preclude this interaction.

It is important that the eFACTS data entry is completed in a timely manner since this is the preferred way for the applicant or consultant to track progress of the application process.

## PERMIT REVIEW TIMELINES

The following table includes the acceptance deadlines, initial correction letter due dates and the total review period for the applications listed in the PDG guidance Appendix A. The times are expressed as the number of business days. These deadlines are applicable upon submission of the application.

Application	Completeness/ Acceptance Deadline	Correction Letter to be sent	New	Major	Minor	Transfer
Small Noncoal	10	45	120			
Bluestone	10	45	130	120	120	
Blast Plan	10	30	60		60	
Blasting Activity Permit	10	15	20			
GP104-for Coal	10	45	120	120	120	
GP104 for Noncoal	10	45	120		30	
GP104-Exploration	10	15	30			
GP105	10	45	130			
GP12	10	30	70		70	
Coal NPDES	10	45	130		130	
NPDES-noncoal	10	45			120	
Bituminous Prep Plant	45	175	350	130	90	90
Noncoal Underground Mine	10	60	160		120	
Bituminous Underground Mine	45	175	380	380	200	100
Bituminous Coal Refuse Disposal	45	175	550	300	130	90
Noncoal Bonding Increment	10	30	70		70	
Coal Surface Mine	10	45	130	130	130	130
Large Noncoal Surface Mine (GW)	10	60	150	150	130	
Large Noncoal Surface Mine	10	45	130	130	130	
GP103	10	45	120	120	120	190

Note: The NPDES permits listed above are coordinated permits that coincide with a mining permit. For these the review time frame will be the greater of the two time frames.

## **PRE-APPLICATIONS**

Forms are available for the pre-applications for large noncoal applications (5600-PM-BMP0389) and coal surface mine applications (5600-PM-BMP0391). These forms list the necessary modules to be submitted to assure complete review of the proposed activities. The Department will revise the guidance document “Coal Surface Mining Activity Permit Pre-Application Review” to address emerging issues, particularly relating to protection of threatened or endangered species and wetland delineation. The guidance describes the modules included in a coal surface mine pre-application.

Additional information is needed from modules 10 and 19 to address the emerging issues. Pre-applications should include the anti-degradation supplement when it is applicable. A pre-application should also address any issues resulting from the PNDI report.

The pre-application process for the applications processed by the California DMO is less formal. The applicant should contact the California DMO to discuss its plans to establish what information is appropriate to be sent for a pre-application for Bituminous Prep Plant/Underground/Refuse Disposal sites.

For bituminous coal refuse disposal facilities, the site selection process should be completed prior to the submittal of the pre-application.



# PRE-APPLICATION PROCESS FLOW

Upon receipt of a pre-application, it is date stamped and routed to the permit chief. The permit chief assigns the pre-application to a lead reviewer and to a secondary reviewer. The preapplication is routed to the permits clerk to enter the pre-application into eFACTS, prepare the assignment memos, send one copy of the pre-application to the MCI, and place the office copy in a pre-application file folder with a review checklist.

Within 15 business days (30 days for bituminous underground, refuse disposal and prep plants), the lead reviewer will conduct a preliminary review of the pre-application and send a letter to the applicant scheduling a pre-application field meeting.

The following are copied on the letter: the mining manager, permits chief, all DEP staff assigned to the pre-application, the MCI and, the consultant that prepared the application. The lead reviewer will contact the applicant by phone prior to setting the meeting date to confirm availability. The pre-application field meeting will be held within 60 business days of receipt of the pre-application. Appropriate representatives of the PA Fish and Boat Commission, the PA Game Commission, the US Army Corps of Engineers, and other agencies, as appropriate, will be notified of the date and location of the meeting via memo. If, during the preliminary review, the pre-application is found to have significant missing information that would jeopardize the ability of the Department to complete a meaningful review, the pre-application may be returned as incomplete with a description of the deficiencies.

Examples of significant missing information include overburden analysis, water supply replacement demonstrations, or hydrologic studies, where applicable. The coal surface mining pre-application form requires two sets of sample results for the background and proposed monitoring points. Potential zoning conflicts should be identified on the pre-application form since these may take considerable time to resolve.

Prior to the field meeting, all Department staff (typically the hydrogeologist, engineer, and MCI) assigned to the application will conduct a field review of the site. Mapping will be field-checked for completeness and accuracy; with specific emphasis placed on the identification of streams and wetlands, dwellings and other buildings, and utilities.

Department staff will check E&S control locations for construction viability, and verify that all appropriate water monitoring locations are included in the monitoring plan. Please note that adverse weather conditions may prevent the completion of the field review within 60 business days of receipt. When this occurs, the Department will establish a time frame for the field review as soon as possible.

Based on the field review and office review, the reviewers will develop a letter identifying the major shortcomings in the pre-application. Each point in the letter will include a citation of the regulation or statute that supports the comment. The pre-application review letter will be provided to the applicant and consultant prior to the pre-application conference. If the Department concludes there are circumstances that make obtaining a permit for a site unlikely, then that will be clearly stated in the pre-application letter.

In the past, pre-application field conferences were generally held to identify substantial or unique items to be addressed in a formal permit submission. That approach led to lengthy review letters often being written on permit applications, despite the pre-application review. With the Department's current emphasis on the submission of complete formal applications, the pre-application review requires greater detail, while still identifying major issues. The pre-application letter should reflect this need for detail and identify the deficiencies identified in the pre-application.

At the pre-application field meeting, each item in the letter should be discussed. Each Department reviewer who contributed to the comments in the letter should attend the meeting to discuss the items raised by that reviewer. The intent of this discussion is to make sure that the Department's comments are understood and to discuss possible solutions.

If there are items that need to be addressed in the field, those areas will be visited and discussed during the field meeting.

For bituminous underground, refuse disposal and prep plants, the applicant should submit a response to the initial pre-application correction letter to the Department within 20 business days. The Department will send second pre-application review letter within 30 business days that will include a schedule for a pre-application meeting.

For all other applications, the pre-application letter is not a review letter that requires a response until the full application is submitted for review. The pre-application process is completed at the close of the pre-application meeting. The Department will provide a field meeting summary letter outlining the issues discussed, potential resolutions agreed to, and any remaining significant issues.

This letter provides the road map for the submission of a complete application. The pre-application review is valid for one year, due to the potential for changes in water quality and site conditions such as new home or utility construction, or changes in regulatory requirements, science or technology. However, this one-year limit may be extended, with concurrence of the DMO, based on site conditions and the applicant's progress toward the submission of an application.

## **ACCEPTANCE/COMPLETENESS REVIEW**

For applications for which there has been a pre-application, the items identified in the pre-application review letter need to have been addressed in order for the application to be complete. For the on-line blasting activity permit application, the acceptance/completeness review has been automated through edit checks in the web forms. For these applications the acceptance review is completed in real time as the application is being prepared.



# ACCEPTANCE/COMPLETENESS PROCESS FLOW

Upon receipt the application is date stamped with date of receipt. The application is then routed to the permit chief. The permit chief assigns the application to a lead reviewer for completeness and a secondary reviewer(s) and passes it on to the permits clerk. In the case where a pre-application has been done, every effort will be made to assign the permit application to the reviewers of the pre-application.

The permits clerk processes the fee and passes one copy of the application to the lead reviewer and one copy to the secondary reviewer(s) with an assignment memo with a due date (due 10 business days from date of receipt) and a completeness review check list. The permits clerk also creates the initial eFACTS records for the site and assigns a number to the application.

For major revisions of or new bituminous underground mines, coal refuse disposal sites and prep plants, due to the volume of information submitted and the complexity, the 10 day acceptance deadline does not apply to these applications. The Department will conduct the completeness review as quickly as possible, but not later than within 45 business days of receipt of these applications. The clerical staff and permit chief should give top priority to making this assignment to avoid losing review days.

For the other classes of applications, the lead reviewer is to conduct the completeness review within 10 business days and fill out the completeness review checklist. The secondary reviewer will concurrently conduct the completeness review of the modules for which they are responsible.

In order to qualify for the PDG, an application must not result in a deficiency letter. To achieve this, all information required in the application needs to be submitted to make it complete. This includes all water samples and all administrative documents (addressing properties, utilities, dwellings and roads). At least 6 months of water quality data is required, including samples representing the low flow period. For Subchapter F and G applications, one year of data is needed to establish the baseline. In cases where there has been a pre-application, completeness includes a point-by-point response to the pre-application comment letter.

The lead reviewer will complete the completeness review checklist and inform the permit chief of findings of completeness review and discuss any errors or omissions in the application. If the application is to be denied as incomplete, the permit chief will notify the District Mining Manager and Bureau Director of reasons for return.

If the application is denied, the lead reviewer or permit chief will notify the applicant and consultant of the reasons why the application is denied via phone. The applicant will be informed that they may retrieve the application materials from the DMO.

If the application is denied, a letter will be prepared and sent that identifies the errors, omissions and other deficiencies in the application. The letter may identify any other deficiencies noted, but the ones that resulted in the denial should be highlighted as such. Each point in the letter will include a citation of the regulation or statute that supports the comment.

If the application is accepted it is passed back to the permits clerk who: updates the eFACTS records, prepares and sends the standard notifications and, prepares the file folders for the application. If complete, an acceptance letter explaining the technical review process, outlining the PDG timeline and identifying any other required permits will be sent to the Applicant.

# **TECHNICAL REVIEW**

The technical review of applications is guided by the application forms and instructions. Additional review resources are listed below:

<b>Application</b>	<b>Application Form</b>	<b>Checklist</b>
Small Noncoal	5600-PM-BMP0316	5600-PM-BMP0390
Bluestone – GP105	5600-PM-BMP0027	5600-PM-BMP0390
Large Noncoal Blast Plan	5600-PM-BMP0315-16	5600-PM-BMP0315-16(Checklist)
Small Noncoal Blast Plan	5600-FM-BMP0086	5600-FM-BMP0086
Coal Blast Plan	5600-PM-BMP0311-16	5600-PM-BMP0311-16(Checklist)
Blasting Activity Permit	5600-PM-BMP0021	
GP103	5600-PM-BMP0004	5600-FM-BMP0479
GP104	5600-PM-BMP0008	
GP12	2700-PM-AQ0212	
NPDES	5600-PM-BMP0032	
Bituminous Prep Plant	5600-PM-BMP0324	5600-FM-BMP0486
Noncoal Underground Mine	5600-PM-BMP0315	
Bituminous Underground Mine	5600-PM-BMP0324	5600-FM-BMP0486
Bituminous Coal Refuse Disposal	5600-PM-BMP0324	5600-FM-BMP0486
Noncoal Bonding Increment	5600-FM-BMP0304	
Bituminous Surface Mine	5600-PM-BMP0311	5600-FM-BMP0136
Anthracite Surface	5600-PM-BMP0343	5600-FM-BMP0138
Large Noncoal Mine	5600-PM-BMP0315	5600-PM-BMP0389(Preapp) 5600-FM-BMP0137

# TECHNICAL REVIEW PROCESS FLOW

Upon acceptance of an application, the permits clerk will process the application in accordance with the permit processing desk manual. This includes giving the application a permit number, sending out the standard notifications, preparing file folders, forwarding a copy of the application to the MCI, forwarding the application to assigned staff, and making the necessary eFACTS tracking entries. This step is to be conducted within the time frame identified in the Department's Policy for Implementing the PDG.

Each application is assigned to a lead reviewer and to secondary reviewer(s). The reviewers are responsible for the review of their respective portions of the application. The lead reviewer will coordinate with secondary reviewer(s) to ensure that comments are consistent and not repetitive.

If there has been a recent pre-application field review and meeting, there will generally not be a need for the technical staff to conduct a second field review of the site. Exceptions arise in cases where the pre-application resulted in significant corrections to site mapping that need to be verified.

If deficiencies are found during technical review of the application, the technical staff will mail a deficiency letter within 45 business days of acceptance of the application for most applications. For bituminous underground, refuse disposal and prep plants, the letter will be sent within 175 days of the acceptance date. In order to develop the letter, the secondary reviewer(s) will provide comments to the lead reviewer at least 10 business days before the deadline and the lead reviewer will have a draft letter typed and on the permit chief's desk at least 5 business days before the deadline. Other deadlines are indicated in the Permit Review Timeline table above. Minor deficiencies (*i.e.*, items that can be provided within a few days) can be addressed informally.



Each point in the letter must include a citation of the regulation or statute that supports the comment. The letter will include a deadline for response, typically within 21 days unless circumstances warrant another time frame. The letter should be comprehensive, but it must be recognized that unanticipated substantial issues may arise at any time during the review process. The Department must issue a permit that meets all of the regulatory requirements. The permit chief will review the letter for clarity, and to ensure each item is properly cited. The letter will be returned to the lead reviewer either as acceptable or as needing to be revised. Once the final letter is prepared and signed, the lead reviewer will scan and email the letter to the applicant and consultant in addition to placing it in the mail, with a copy to the consultant. The letter will acknowledge that the PDG is no longer applicable.

Most surface mine permits also require an NPDES application. Where this is the case, both the mining permit and the NPDES permit will be issued together. The applications will be processed together, with a single deficiency letter issued for both, if needed. The Department will provide the applicant with a copy of the draft NPDES permit and publish a notice of the proposed effluent limits in the Pennsylvania Bulletin. The notice does not appear in the Bulletin until approximately 2 weeks after the DMO forwards it. Given these considerations, the draft NPDES permit should appear in the Bulletin within 75 business days of acceptance of an application.

If a deficiency letter is issued, which is typically the case, then the applicant should satisfy the identified deficiencies within the number of days specified in the letter (usually 21 business days).

Upon receipt of the applicant's response to the deficiency letter, the permit revisions are date stamped with the date of receipt. The Department reviewer(s) have 20 business days to review the revisions. If the revisions are acceptable, a bond request letter will be sent and the permit prepared for issuance. The bond should be submitted within 120 business days or the application may be returned as incomplete.

If the revisions are not acceptable, the Department is to follow the elevated review process found in the Policy for Implementing PDG.

If the Department's elevated review process determines that the application should be kept in review, the Department may give the applicant an additional 10 business days to provide revisions, and the technical staff will review those revisions within 20 business days. If the revisions are acceptable, a bond request letter is issued. If the second revisions are not acceptable, the application may be denied in accordance with the Policy for Implementing PDG.

## **PUBLIC NOTICE/PUBLIC MEETING**

If a public meeting is requested then the Department will not send a review letter until after the meeting occurs. Public meetings are typically requested late in the initial review process, and because of the need to run public notices of the meeting, they normally will result in the Department being unable to meet its targeted time frames on an application. The Department will schedule public meetings as promptly as possible and issue a review letter on the application within 20 business days of the meeting in order to meet the PDG time frames to the extent possible.

# FINAL ACTION

For applications that require bond, the bond should be submitted within 120 business days of the bond request. The bond request process is a noted processing delay in the permit decision guarantee guidance.

The Department's regulations require notice of the permit decision within 60 (calendar) days of a public hearing/informal conference, see § 77.127(a)(2) and § 86.39(a)(2)(i). In cases where a review letter is required, informing all meeting participants that revisions to the application will be required by the Department fulfills this notice; the participants will then be further notified when a final action is taken on the application.

# TRACKING

Applications are tracked in the application tracking module of eFACTS. Pre-applications are tracked as site authorizations. All other applications are tracked as facility authorizations.

The new application is created as the master authorization. Subsequent applications (e.g. blast plans and modifications) are linked to this master authorization.

## COAL MINING BLAST PLANS

The technical review of coal mining blast plans includes the review of the technical specifications for the blasting. However, a coal mine blast plan can be approved without any necessary pre-blast surveys since the regulation (§ 87.125) requires pre-blast surveys to be submitted “at least 30 days before initiation of blasting...” i.e., the pre-blast surveys may be submitted after the blast plan has been approved.

---

<sup>1</sup> Disclaimer: The process and procedures outlined in this Standard Operating Procedure (SOP) are intended to supplement existing requirements. Nothing in the SOP shall affect regulatory requirements. The process, procedures and interpretations herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in this SOP that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

# **Standard Operating Procedure (SOP)<sub>1</sub> for District Mining Operations Storage of Reclaimed Asphalt Product (RAP) on Mining Permits**

**SOP No. BMP-002**

**December 4, 2017**



This SOP describes the methods by which the Bureau of District Mining Operations (BDMO) will conduct reviews of permit revisions that request storage of reclaimed asphalt pavement material (RAP) on mine sites. RAP consists of particles, typically less than 1 inch in size, of bitumen and inorganic materials produced by the mechanical grinding of bituminous pavement surfaces that have not been subject to a spill or release of regulated substances or mixed with other solid waste. It is commonly stockpiled near asphalt plants where it is added to the asphalt feed stock to produce new asphalt or road sub-base, shoulder and patch material. RAP was designated as an industry-wide coproduct on May 5, 2006. The specific coproduct designation can be found in Volume 36, Number 18 of the Pennsylvania Bulletin [36 PA.B. 2223].

The Solid Waste Management Act and Title 25, Chapter 290 of the Pennsylvania Code requires that a designated coproduct such as RAP must be used in a manner that, among other requirements, does not create a nuisance or is harmful or presents a threat of harm to the public health, safety or the environment. Used asphalt, waste asphalt shingles, and other materials under a Bureau of Waste Management (BWM) General Permit for Residual Waste Beneficial Use, may also be recycled with RAP into the asphalt feed stock. The process outlined in this SOP applies to the storage of those approved blends as well, provided that an operator complies with the terms and conditions of the approved General Permit.

# COMPLETENESS REVIEW

The BDMO office will conduct a completeness review on the submission as described in Mining Program Standard Operating Procedures for Permit Application Review. The following items should be included in the request for use of RAP:

- Application Module 1 (factsheet and checklist)
- Module 9 (Operations Map)
- Module 10 revisions and/or an addendum
- Any other Modules that will be revised as part of this request.
- Copy of the applicant's air quality permit.
- Copy of any BWM General Permit registration or approval for beneficial use of RAP or blend of RAP and like materials. Any used asphalt must be designated as "fill" (clean or regulated) pursuant to DEP's Management of Fill Policy (258-2182-773).
- Fee (for either minor or major permit revision as determined in Item #1 below)

# **TECHNICAL REVIEW**

The BDMO will conduct a technical review of the application which includes the following considerations:

## **1. Permit Revision Type**

DEP considers new RAP storage and processing areas to qualify as minor permit revisions. This includes short-term storage approvals (Item #5). A major permit revision may be required if the proposed revision meets the requirements of public notice in § 77.142.

## **2. RAP storage area**

- a. The proposed RAP storage area should be on a mine site that has an existing asphalt plant, or is adjacent to or in reasonable proximity to an asphalt plant.
- b. The RAP storage area should be located on bonded area and designated on the Module 9 Operations Map.
- c. RAP should be stored on low-permeability surfaces above the water table and in areas that do not collect free-standing water.
- d. The operator should make provisions for controlling fugitive dust from RAP storage area.

### **3. Stockpiling and processing**

a.A narrative should be provided by the operator as an addendum to the operational information in Module 10. The narrative should describe the method in which the RAP (and/or other materials authorized to be used in the asphalt plant) will be stockpiled and/or processed and should include the volume/weight of the proposed stockpile.

b.The volume/weight of material in a continuously utilized RAP stockpile should not exceed twice the anticipated annual consumption capacity of the plant. Calculations verifying such volume/weight usage must be provided by the operator/permittee as described in a permit condition.

c.The maximum volume of the proposed stockpile should be consistent with the volume authorized by the operator's air quality permit.

## 4. Effluent Requirements

a.All runoff from RAP stockpile areas will be contained on-site or directed to appropriate and adequately designed, constructed and maintained erosion and sediment pollution controls and treatment facilities. If new erosion and sedimentation controls or treatment facilities are needed, revisions to Modules 12 and 13 will be necessary.

b.Changes to the NPDES permit Part A Effluent Limits and Monitoring Requirements may be necessary to add parameters that are expected to be present in waters that will receive discharge and/or runoff from RAP storage areas, such as benzene and oil and

## **5. Short-term storage**

DEP can authorize short-term storage (not exceeding one year) of small quantities of RAP which will occupy less than one acre, unrelated to an asphalt plant (e.g. storage for onsite haul road construction), provided there is no risk of pollutional runoff.

The permit reviewer will assess if additional considerations may be necessary in response to unique circumstances. The reviewer has discretion to request additional information from the applicant to ensure all regulatory requirements are met.



## **PERMIT DEVELOPMENT**

Authorization of RAP storage will consist of a notice of permit correction or revised permit with an attached set of permit conditions titled Permit Conditions for Storage of RAP. (Use the attached addendum as sample wording as appropriate: Example Permit Conditions for Storage of RAP.) The conditions can also include any special, site-specific requirements related to this operation.

## **TRACKING**

Each authorization for storage of RAP is to be tracked in eFACTs under “Operational Characteristics”.

## **EXAMPLE PERMIT CONDITIONS FOR STORAGE OF RAP**

[To be used and modified as appropriate with site-specific details]

This Noncoal Surface Mining Permit No. is authorized for the [temporary] storage of reclaimed asphalt paving material (RAP) as defined in the PA DEP Reclaimed Asphalt Pavement (RAP) Industry-Wide Coproduct Determination [and (include any GP or fill materials such as used asphalt or asphalt shingles)]. The following associated conditions apply:

- 1.RAP shall be stockpiled only in areas designated on the most current Operations Map.
- 2.All runoff from RAP stockpile areas shall be contained on-site or directed to adequately designed, constructed and maintained erosion and sediment pollution controls.

3. The maximum volume/weight of material in a RAP stockpile should not exceed twice the anticipated annual consumption capacity of the plant. Stored RAP material should be managed so the RAP is “turned over” (i.e. recycled) in no more than two consecutive years, unless approved by the District Mining Office in writing.

Or

- All RAP material that has been authorized for short-term storage must be removed no later than 1 year after the date of this authorization unless the operator files a permit revision at least 90 days prior to this 1 year date.
4. The operator will maintain and make available on-site for DEP inspection a log of the volumes of RAP delivered to the site within the previous two years.

5. The operator will submit to the District Mining Office's Monitoring and Compliance Manager by January 31 of the following year an annual report consisting of the yearly beginning and ending volumes of the existing pile and the annual quantity of RAP processed and removed from the site.
6. All reports and records pertaining to RAP authorization shall contain the name of the permittee, Surface Mining Permit No. , the municipality and county where the quarry is located and the time period for which it applies.

---

<sup>1</sup>The process and procedures outlined in this Standard Operating Procedure (SOP) are intended to supplement existing requirements. Nothing in the SOP shall affect regulatory requirements. The process, procedures and interpretations herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in this SOP that weigh or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

**Gary Brown**

---

**From:** Mcdonnell, Lee [lmcdonnell@pa.gov]  
**Sent:** Monday, May 06, 2013 1:04 PM  
**To:** Gary Brown  
**Subject:** RE: "ASPHALT PLANTS IN SURFACE MINES" - IMPORTANT

Gary,

We are in agreement with the scenarios that you have provided. Should there be something that doesn't fit any of these, it will be handled on a case by case basis.

One comment on the BMP page you sent in and it is for item "1." on your list. You should add something to that statement similar to the following: "Secondary containment may be discharged to the ground provided that , based on a visual inspection, there is no floating sheen or other indication of a spill or contamination. "

One additional comment on the last page of this submission where you identify stormwater sampling parameter and frequency. These would be based on the appropriate appendix for PAG03. Also for those operations covered by the mining permit, the sampling frequency will likely be 1/month or at a minimum 1/quarter instead of 1/year.

Thanks Lee



# NO EXPOSURE CERTIFICATION

By  
RT Environmental Services, Inc.  
Gary R. Brown, P.E.  
President





To qualify for this exclusion, the operator of the discharge must:

1. Provide a storm resistant shelter to protect industrial materials and activities from exposure to rain, snow, snow melt, and runoff.

**NOTE** – A storm resistant shelter is not required for drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak (“sealed” means banded or otherwise secured and without operational taps or valves); adequately maintained vehicles used in material handling; and final products, other than products that would be mobilized in storm water discharge (e.g., rock salt). Salt storage and distribution sites are not generally eligible for No Exposure Certification unless material storage and handling activities are not exposed to precipitation.

2. Complete and sign a certification that there are no discharges of stormwater contaminated by exposure to industrial materials and activities from the entire facility.
3. Submit the signed certification to DEP once every five years;
4. Allow DEP to inspect the facility to determine compliance with the “no exposure” conditions;
5. Allow DEP to make any “no exposure” inspection reports available to the public upon request; and
6. For facilities that discharge through a municipal separate storm sewer system (MS4), submit a copy of the certification of “no exposure” to the MS4 operator, upon request, as well as allow inspection and public reporting by the MS4 operator.

If these conditions can be met by the applicant, and the additional eligibility criteria are satisfied (see below), DEP may approve the No Exposure Certification for a period not exceeding five years. DEP's approval letter will specify the date by which an application to renew the No Exposure Certification must be submitted. If conditions change during the term of DEP's approval (i.e., if the discharger can no longer certify a condition of no exposure), the discharger must submit an NOI for General Permit coverage or an individual permit application.

**Eligibility Requirements.** The following lists eligibility requirements for No Exposure Certification approval. Prior to submitting a No Exposure Certification application, the applicant should ensure these eligibility requirements are met.

1. The qualifications listed in 40 CFR § 122.26(g)(1) are satisfied (see Nos. 1 – 6 above).

2. A condition of no exposure exists throughout the area of the site that is engaged in industrial activity (i.e., DEP will not approve no exposure for only a portion of a site).
3. There are no stormwater discharges to waters classified by DEP as High Quality or Exceptional Value.
4. There are no non-stormwater discharges from the site except those authorized non-stormwater discharges identified in Part C I.B of the PAG-03 General Permit. Such authorized non-stormwater discharges may not cause or contribute to pollution.
5. The applicant has a Preparedness, Prevention and Contingency (PPC) Plan.
6. The applicant is able to certify that none of the materials or activities identified in 40 CFR § 122.26(g)(4)(iii) are, or will be in the foreseeable future, exposed to precipitation.

**NOTE** – The submission of a No Exposure Certification application does not guarantee approval by DEP. If DEP determines that stormwater discharges from the site contribute or are likely to contribute pollutants to surface waters, DEP may require submission of an NOI or individual permit application.

## **EXPOSURE INFORMATION**

Indicate whether any of the listed materials or activities are exposed to precipitation now, or will be exposed to precipitation within the next five years (Yes or No). These are criteria listed in 40 CFR § 122.26(g)(4)(iii).

## **STORMWATER QUALITY INFORMATION**

Existing facilities seeking No Exposure Certification must collect at least one grab sample of stormwater from at least one representative outfall on-site and report the results in the table provided in order to verify that pollutant concentrations are commensurate with No Exposure conditions. New facilities are not required to complete this section.

At least one grab sample result must be reported for the following parameters: Oil and Grease, BOD<sub>5</sub>, COD, Total Suspended Solids (TSS), Total Nitrogen, Total Phosphorus, pH and Total Iron. The grab sample(s) must be collected during the first 30 minutes (or as soon thereafter as practicable) of the discharge. A grab sample is an individual sample of at least 100 milliliters.

All samples must be collected from the discharge resulting from a storm event that is greater than 0.1 inch and at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Composite samples are optional but data must be reported if composite samples are collected.

The collection of the samples for the reported analyses should be supervised by a person experienced in performing sampling of industrial wastewater or stormwater discharges. Any specific requirements contained in the applicable analytical methods should be followed for sample containers, sample preservation, holding times, the collection of duplicate samples, etc. Where applicable, samples should be collected from the center of the flow channel, where turbulence is at a maximum, at a site specified in your present permit, or at any site adequate for the collection of a representative sample.

Report the average and maximum concentrations of grab and, if applicable, composite samples for each listed pollutant, in the units provided (e.g., mg/L, S.U., etc.). If only one sample result for each pollutant is available, report the result in both the average and maximum columns under the appropriate sample type. Identify the number of storm events where samples were collected to determine the results. Identify the laboratory's quantitation limit (QL) for the pollutants.

Data from samples taken in the past may be used, provided that all data requirements are met, sampling was done no more than three years before submission, and all data are representative of the present discharge.



In general, DEP considers the following benchmark values to be indicative of No Exposure conditions. However, exceedances of these benchmark values does not automatically disqualify a facility from seeking and obtaining No Exposure Certification approval.

- Oil and Grease (mg/L):  $\leq 5.0$
- BOD5 (mg/L):  $\leq 10$
- COD (mg/L):  $\leq 30$
- TSS (mg/L)  $\leq 30$
- Total Nitrogen (mg/L):  $\leq 2.0$
- Total Phosphorus (mg/L):  $\leq 1.0$
- pH (S.U.): 6.0 to 9.0 (unless precipitation pH is below 6.0)
- Total Iron (mg/L):  $\leq 7.0$

Below the data summary table, check the appropriate boxes (Yes or No) to indicate whether the sample was (or samples were) collected during the first 30 minutes of the discharge, and whether the sample was (or samples were) collected from a discharge resulting from a storm event greater than 0.1 inch and at least 72 hours from the previously measurable ( $> 0.1$  inch) storm event.



# **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) APPLICATION FOR INDIVIDUAL PERMIT TO DISCHARGE INDUSTRIAL STORMWATER**

**By  
RT Environmental Services, Inc.  
Gary R. Brown, P.E.  
President**



**Who Must Apply for NPDES Permits?** Persons who operate facilities or conduct activities that discharge pollutants into surface waters of the Commonwealth (including dry streams, ditches and storm sewers).

## **Authorized Non-Stormwater Discharges**

The following non-stormwater discharges are authorized under individual NPDES permits for stormwater associated with industrial activity. A facility with non-stormwater discharges not identified in the list below should apply for an individual industrial waste NPDES permit.

- Discharges from emergency/unplanned fire-fighting activities;
- Potable water, including water line flushings and fire hydrant flushings, that do not contain measurable concentrations of Total Residual Chlorine (TRC);

- Uncontaminated condensate from air conditioners, coolers/chillers, and other compressors (if treatment through an oil/water separator is provided) and from the outside storage of refrigerated gases or liquids;
- Irrigation drainage;
- Landscape water if such water does not contain pesticides, herbicides or fertilizers;
- Pavement wash waters where no detergents or hazardous cleaning products are used, and the wash waters do not come into contact with oil and grease deposits, sources of pollutants associated with industrial activities, or any other toxic or hazardous materials;

- Routine external building washdown / power wash water that does not use detergents or hazardous cleaning products (e.g., those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols);
- Uncontaminated ground water or spring water;
- Foundation or footing drains where flows are not contaminated with process materials; and
- Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of a facility, but not intentional discharges from the cooling tower.

**When to File Applications.** Unless permission has been granted by DEP for submission at a later date, applications must be filed at least 180 days BEFORE your present NPDES permit expires or 180 days PRIOR TO start up and commencement of discharge for new facilities.

**Application Fee.** The required application fee (\$2,000 for new permit, \$1,000 for reissuance) payable to “Commonwealth of Pennsylvania” must accompany the application. The check should not be more than 10 days old. Any federal or state agency or independent state commission that provides funding to DEP for the implementation of the NPDES program through terms and conditions of a mutual agreement may be exempt from the fees. If you need assistance in determining the appropriate application fee, you may contact DEP’s Central Office at 717.787.6744. If your application has been denied previously and you are resubmitting your application, the application fee must be included with the resubmission.



**Public Notification of Permit Application.** Act 14, which amended the Commonwealth's Administrative Code (effective April 17, 1984), requires every applicant for a new, amended, or renewed NPDES permit to give written notice to each municipality and county in which the facility is located. The written notices must be received by municipalities and counties at least 30 days before DEP action on a permit application. A sample Act 14 notification letter (3850-PM-BCW0402) is available on eLibrary.

## **OTHER ENVIRONMENTAL PERMITS**

Identify all other environmental permits issued to the facility, which are currently effective or which the applicant is seeking for the facility. Report the type of permit, the agency that issued the permit and the date the permit was issued. Report all permits issued under the following environmental programs:

- Hazardous Waste Management program under RCRA.
- UIC program under the Safe Drinking Water Act.
- NPDES program under the Clean Water Act.
- Prevention of Significant Deterioration (PSD) program under the Clean Air Act.
- Nonattainment program under the Clean Air Act.

- National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act.
- Dredge or fill permits under section 404 of the Clean Water Act.
- Other relevant environmental permits, including DEP-issued permits.

**Site Plan & Map.** Attach a site plan that identifies structures, facilities, outdoor raw material, product and waste storage areas, drainage areas, discharge points (outfalls) associated with industrial activity, property boundaries and waters of the Commonwealth. Also attach a topographic or aerial map with facilities and outfalls identified. For discharges to storm sewers, identify both the location of the discharge to the storm sewer as well as the location where the storm sewer outlets to surface waters. DEP's eMAP application ([www.depgis.state.pa.us/emappa](http://www.depgis.state.pa.us/emappa)) or other websites with topographic/aerial maps may be used.

**Site Area.** Report the total area of the site in square feet (sf) and the percent pervious and impervious surfaces.

**Facility Latitude and Longitude.** Provide the latitude and longitude coordinates at the geographic center of the facility or site. Indicate the Horizontal Reference Datum used to determine the coordinates by checking the box for North American Datum of 1927 (“NAD of 1927”), North American Datum of 1983 (“NAD of 1983”), World Geodetic System of 1984 (“WGS of 1984”) or “Unknown”.

**PPC Plan.** The permittee may optionally attach its PPC Plan or related plan such as a Spill Prevention, Control and Countermeasure (SPCC) Plan to the application. This information may be useful to DEP in completing its review of the application. If the PPC Plan or related plan is not attached, DEP may request submission of the Plan during the application review.

**NOTE** – The Plan(s) should be developed consistent with DEP’s “Guidelines for the Development and Implementation of Environmental Emergency Response Plans” and its Stormwater Addendum (DEP ID No. 400-2200-001). Submission of a “Stormwater Pollution Prevention Plan” or “Spill Prevention, Control, and Countermeasure Plan” that has been completed to satisfy another regulatory program is acceptable if it is consistent with DEP guidance.

**Non-Stormwater Discharges.** Identify and describe all non-stormwater discharges that are expected to occur during the 5 years following permit coverage. List each type of non-stormwater discharge anticipated, the outfall that is expected to receive the discharge, and the expected frequency and volume of discharges. If no non-stormwater discharges are anticipated in the five years following coverage or approval, check the appropriate box.

**Inspection and Maintenance.** For new discharges, describe the frequency at which outfalls will be inspected and any planned maintenance activities. For existing discharges, report current practices for outfall inspections and routine maintenance. Also identify whether on-site personnel or contractors perform these activities.

## **Outfall Locations and Receiving Waters Table.**

- **Ch. 93 Class.** – Report the existing use of the receiving waters under Chapter 93. Existing uses (e.g., HQ-CWF) may differ from designated uses (e.g., CWF). The applicant should consult DEP's existing use website and if an existing use is listed for the receiving waters, it should be reported on the application (visit [www.dep.pa.gov](http://www.dep.pa.gov), select “Businesses”, “Water”, “Bureau of Clean Water”, “Water Quality Standards”, and “Statewide Existing Use Classifications”). If no existing use is available on DEP's website, the designated use under Chapter 93 is the existing use. Designated uses can be searched on-line by visiting [www.pacode.com](http://www.pacode.com) (Title 25, Chapter 93) or [www.depgis.state.pa.us/emappa](http://www.depgis.state.pa.us/emappa).
- **Impaired?**
- **TMDL?**



**Discharges to Storm Sewers.** Check the appropriate box to indicate whether any of the outfalls / IMPs identified in No. 7 above discharge to a storm sewer system (Yes or No). If Yes, indicate whether the storm sewer is also a municipal separate storm sewer system (MS4) (Yes or No), identify the name of the storm sewer owner/operator and list all outfall numbers that discharge to the storm sewer. If unsure whether the storm sewer is also classified as an MS4, contact the municipality in which the facility is located. If there are no discharges to storm sewers, check the box for “No”, leave the MS4 question blank and enter, “N/A” for the remaining questions.

**NOTE** – For new discharges to MS4s, the applicant must provide, as an attachment to the application, evidence that the owner/operator of the MS4 has received notification of the applicant’s intent to discharge into the MS4 as well as the actual notification to the MS4. An example of evidence would be a copy of the return receipt for registered mail.

## **Drainage Area Description Table**

- **Outfall / IMP No. –**
- **Drainage Area (ft<sup>2</sup>) -**
- **% Impervious –**
- **Description of Materials/Activities in Drainage Area Exposed to Precipitation –**

## Sampling and Treatment Table

- **Outfall / IMP No. –**
- **Sampling Completed? -**
- **Representative Outfall No. –**
- **Treatment? –**
- **Description of BMPs -**
- **PCSM? –**

**Leaks or Spills.** If there have been leaks or spills on-site within the past five years that have reached stormwater outfall(s) (i.e., have been discharged to the receiving waters), identify the outfall(s) receiving the leaks or spills, the substance(s) released, measures taken to remediate the incident(s) and preventative measure(s) taken to reduce the possibility of future incidents. Attach additional sheets as necessary.

## **STORMWATER SAMPLING RESULTS**

For existing discharges only, attach a completed Stormwater Sampling Results section to the application for each stormwater outfall that was sampled.

**NOTE** – stormwater must be sampled for all stormwater outfalls identified in question 9, above, where the applicant checked the box for No Exposure?, in order to verify that pollutant concentrations are commensurate with No Exposure conditions.

In general, DEP considers the following benchmark values to be indicative of No Exposure conditions; these values may also be used by DEP to evaluate non-degrading stormwater discharges for anti-degradation purposes.

- Pollutants with water quality criteria in 25 Pa. Code Chapter 93:  $\leq$  most stringent water quality standard
- Oil and Grease (mg/L):  $\leq 5.0$
- BOD5 (mg/L):  $\leq 10$
- COD (mg/L):  $\leq 30$
- TSS (mg/L)  $\leq 30$
- Total Nitrogen (mg/L):  $\leq 2.0$
- Total Phosphorus (mg/L):  $\leq 1.0$
- pH (S.U.): 6.0 to 9.0

## Stormwater Sampling Guidance

The collection of the samples for the reported analyses should be supervised by a person experienced in performing sampling of industrial stormwater discharges. Any specific requirements contained in the applicable analytical methods should be followed for sample containers, sample preservation, holding times, the collection of duplicate samples, etc. Where applicable, samples should be collected from the center of the flow channel, where turbulence is at a maximum, at a site specified in your present permit, or at any site adequate for the collection of a representative sample.

For all pollutants the applicant must, at a minimum, analyze grab samples taken during the first 30 minutes (or as soon thereafter as practicable) of the discharge. For pollutants other than pH, Temperature, Cyanide, Total Phenols, Total Residual Chlorine, Oil and Grease, and Fecal Coliform it is preferred the applicant analyze both a grab sample collected during the first 30 minutes (or as soon thereafter as practicable) of the discharge and a flow-weighted composite sample.

All samples must be collected from the discharge resulting from a storm event that is greater than 0.1 inch and at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where feasible, the variance in the duration of the event and the total rainfall of the event should not exceed 50 percent from the average or median rainfall event in that area.

**Grab samples must be taken during the first thirty minutes of the discharge (or as soon thereafter as practicable), and flow-weighted composite samples shall be taken for the entire event or for the first three hours of the event.**

For the purpose of these instructions, grab and composite samples are defined as follows:

**Grab sample:** An individual sample of at least 100 milliliters collected during the first thirty minutes (or as soon thereafter as practicable) of the discharge. This sample is to be analyzed separately from the composite sample.



**Flow-weighted composite sample:** A flow-weighted composite sample may be taken with a continuous sampler that proportions the amount of sample collected with the flow rate or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire event or for the first three hours of the event, with each aliquot being at least 100 milliliters and collected with a minimum period of fifteen minutes between aliquot collections. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically.

Data from samples taken in the past may be used, provided that all data requirements are met, sampling was done no more than three years before submission, and all data are representative of the present discharge.

## Stormwater Sampling Results Table

### ANTI-DEGRADATION

### COOLING WATER INTAKE STRUCTURES

### STORMWATER TREATMENT CHEMICALS

### LABORATORY INFORMATION

### COMPLIANCE HISTORY REVIEW

### CERTIFICATION AND SIGNATURE OF THE APPLICANT

# ATTACHMENT A

## POLLUTANT GROUP ANALYSIS TABLES

POLLUTANT GROUP 1 PARAMETERS (mg/L)	POLLUTANT GROUP 2 PARAMETERS (µg/L)	POLLUTANT GROUP 3 PARAMETERS (µg/L)	POLLUTANT GROUP 4 PARAMETERS (µg/L)	POLLUTANT GROUP 5 PARAMETERS (µg/L)
BOD <sub>5</sub>	Aluminum, Total	Acrolein	2-Chlorophenol	Acenaphthene
COD	Antimony, Total	Acrylonitrile	2,4-Dichlorophenol	Acenaphthylene
TOC	Arsenic, Total	Benzene	2,4-Dimethylphenol	Acrylamide
TSS	Barium, Total	Bromoform	4,6-Dinitro-o-Cresol	Anthracene
Ammonia-Nitrogen	Beryllium, Total	Carbon Tetrachloride	2,4-Dinitrophenol	Benazidine
Temperature (Winter) (°F)	Boron, Total	Chlorobenzene	2-Nitrophenol	Benzo(a)Anthracene
Temperature (Summer) (°F)	Cadmium, Total	Chlorodibromomethane	4-Nitrophenol	Benzo(a)Pyrene
pH – Minimum (S.U.)	Chromium, Total	Chloroethane	P-Chloro-m-Cresol	3,4-Benzo-fluoranthene
pH – Maximum (S.U.)	Chromium, Hexavalent	2-Chloroethylvinyl Ether	Pentachlorophenol	Benzo(ghi)Perylene
Fecal Coliform (No./100 mL)	Cobalt, Total	Chloroform	Phenol	Benzo(k)Fluoranthene
Oil and Grease	Copper, Total	Dichlorobromomethane	2,4,6-Trichlorophenol	Bis(2-Chloro-ethoxy)Methane
TRC	Cyanide, Total	1,1-Dichloroethane		Bis(2-Chloroethyl)Ether
Total Phosphorus	Iron, Total	1,2-Dichloroethane		Bis(2-Chloro-isopropyl)Ether
TKN	Iron, Dissolved	1,1-Dichloroethylene		Bis(2-Ethylhexyl)Phthalate
Nitrite + Nitrate-Nitrogen	Lead, Total	1,2 Dichloropropane		4-Bromophenyl Phenyl Ether
Total Dissolved Solids	Manganese, Total	1,3-Dichloropropylene		Butyl Benzyl Phthalate
Color (Pt-Co Units)	Mercury, Total	1,4-Dioxane		2-Chloronaphthalene
Bromide	Molybdenum, Total	Ethylbenzene		4-Chlorophenyl Phenyl Ether
Chloride	Nickel, Total	Methyl Bromide		Chrysene
Sulfate	Phenols, Total	Methyl Chloride		Dibenzo(a,h)Anthracene
Sulfide	Selenium, Total	Methylene Chloride		1,2-Dichlorobenzene
Surfactants	Silver, Total	1,1,2,2-Tetrachloroethane		1,3- Dichlorobenzene
Fluoride	Thallium, Total	Tetrachloroethylene		1,4- Dichlorobenzene
Total Hardness	Zinc, Total	Toluene		3,3'-Dichlorobenzidine
		1,2-Trans-Dichloroethylene		Diethyl Phthalate
		1,1,1-Trichloroethane		Dimethyl Phthalate
		1,1,2-Trichloroethane		Di-n-Butyl Phthalate
		Trichloroethylene		2,4-Dinitrotoluene
		Vinyl Chloride		2,6-Dinitrotoluene
				Di-n-Octyl Phthalate

POLLUTANT GROUP 5 PARAMETERS (µg/L), (CONT'D)	POLLUTANT GROUP 6 PARAMETERS (µg/L)	POLLUTANT GROUP 7 PARAMETERS
Hexachlorocyclopentadiene	Aldrin	Gross Alpha (pCi/L)
Hexachloroethane	Alpha BHC	Beta, Total (pCi/L)
Indeno(1,2,3-cd)Pyrene	Beta BHC	Radium 226/228, Total (pCi/L)
Isophorone	Gamma BHC	Strontium, Total (µg/L)
Naphthalene	Delta BHC	Uranium, Total (µg/L)
Nitrobenzene	Chlordane	Osmotic Pressure (µmhos/cm)
N-Nitroso-di-methylamine	4,4'-DDT	
N-Nitroso-di-n-p-propylamine	4,4'-DDE	
N-Nitroso-di-n-phenylamine	4,4'-DDD	
Phenanthrene	Dieldrin	
Pyrene	Alpha- Endosulfan	
1,2,4-Trichlorobenzene	Beta-Endosulfan	
Bis(2-Chloro-isopropyl)Ether	Endosulfan Sulfate	
Bis(2-Ethylhexyl)Phthalate	Endrin	
4-Bromophenyl Phenyl Ether	Endrin Aldehyde	
Butyl Benzyl Phthalate	Heptachlor	
2-Chloronaphthalene	Heptachlor Epoxide	
4-Chlorophenyl Phenyl Ether	PCB -1242	
Chrysene	PCB -1254	
Dibenzo(a,h)Anthracene	PCB-1221	
1,2-Dichlorobenzene	PCB-1232	
1,3- Dichlorobenzene	PCB-1248	
1,4- Dichlorobenzene	PCB-1260	
3,3'-Dichlorobenzidine	PCB-1016	
Diethyl Phthalate	Toxaphene	
Dimethyl Phthalate	2,3,7,8-Tetrachlorodibenzo-p- Dioxin	
Di-n-Butyl Phthalate		
2,4-Dinitrotoluene		
2,6-Dinitrotoluene		
Di-n-Octyl Phthalate		
1,2-Diphenylhydrazine (as Azobenzene)		
Fluoranthene		
Fluorene		
Hexachlorobenzene		
Hexachlorobutadiene		
Hexachlorocyclopentadiene		

