

December 7, 2019

RE: Reissuance of PAG-02 NPDES General Permit

Dear Permittee:

On December 7, 2019, the Department of Environmental Protection (DEP) published a final, reissued NPDES General Permit for Discharges of Stormwater Associated with Construction Activities (PAG-02) in the *Pennsylvania Bulletin*, which will become effective on December 8, 2019. You are receiving this letter because, according to our records, you currently have coverage under the PAG-02 General Permit for one or more earth disturbance activities, and DEP would like to explain how the reissuance of the PAG-02 General Permit affects you.

The PAG-02 General Permit and supporting documents are available through DEP's eLibrary website, accessible at [www.depgreenport.state.pa.us/elibrary/](http://www.depgreenport.state.pa.us/elibrary/) (select Permit and Authorization Packages, Clean Water, and PAG-02 NPDES General Permit) or through DEP's Construction Stormwater website at [www.dep.pa.gov/constructionstormwater](http://www.dep.pa.gov/constructionstormwater) (select E&S Resources and look under Permits and Applications). **Please visit eLibrary and download and print the Sample Permit document (3800-PM-BCW0405d). As of December 8, 2019, the terms and conditions of your NPDES permit coverage have changed. The Sample Permit document contains the new terms and conditions of your NPDES permit coverage.**

#### General Permit Changes

The following points highlight some of the differences between the reissued PAG-02 General Permit ("2019 General Permit") and the PAG-02 General Permit that became effective on December 8, 2017 ("2017 General Permit"), which is no longer in effect and has been replaced with the 2019 General Permit. These descriptions are intended to be an aid to you; however, nothing in this letter modifies the requirements of the General Permit or any law or regulation.

- **Expiration Date of Coverage** – If stormwater discharges associated with construction activities are expected to continue past the expiration date of your PAG-02 General Permit coverage, as previously identified on page 1 of the general permit coverage approved by DEP or the delegated county conservation district (CCD), you must submit a Notice of Intent (NOI) to renew your coverage at least 180 days prior to the expiration date, unless another date is approved by DEP or the delegated CCD. This requirement is not new. What is new is that DEP or the delegated CCD will only authorize your renewed coverage until December 7, 2024, which is the date the statewide PAG-02 General Permit will expire. By that time, DEP anticipates offering a streamlined renewal/NOI process for anyone who wishes to continue PAG-02 General Permit coverage beyond 2024.
- **Discharges to Impaired Waters** – For stormwater discharges to surface waters that are impaired for siltation, suspended solids, turbidity, water/flow variability, flow modifications/alterations, or nutrients, permittees will need to select and implement a non-discharge alternative or Antidegradation Best Available Combination of Technologies

(ABACT) best management practices (BMPs) if any additional earth disturbance will be proposed throughout the life of the project. For stormwater discharges to surface waters covered by a United States Environmental Protection Agency (EPA) approved Total Maximum Daily Load (TMDL) for the pollutants identified in the 2019 General Permit, you will need to select and implement a non-discharge alternative or ABACT BMPs and comply with any specific wasteload allocation assigned to your discharge in a TMDL if any additional earth disturbance will be proposed throughout the life of the project.

- **Site Inspections** – The 2019 General Permit clarifies the appropriate form that must be used for documenting visual site inspections (or equivalent) and the measurable rainfall that triggers a post-storm inspection (i.e., 0.25 inch). The 2019 General Permit also requires visual site inspections in response to observed deficiencies with Erosion and Sedimentation (E&S) and/or Post-Construction Stormwater Management (PCSM) Plan implementation (i.e., corrective action inspections). Please download and begin utilizing DEP’s Visual Site Inspection Report (3800-FM-BCW0271d) or an equivalent form providing the same information (see Part A II.A of the General Permit for further details).
- **Proof of Instrument Recording** – The 2017 General Permit required the submission of proof that a legal instrument was recorded for PCSM BMPs at the time the Notice of Termination (NOT) is submitted. The 2019 General Permit requires the submission of proof of instrument recording at the time of NOT submission and at the time an application is submitted to transfer permit coverage, if applicable (see Part C XIII of the General Permit for further details).
- **General Permit Implementation** – New requirements have been established to ensure on-site personnel are aware of their responsibilities under the General Permit (see Part C XV of the General Permit for further details).
- **Modules** – DEP has developed modules (i.e., E&S Module 1 and PCSM Module 2) that serve as the narrative components of E&S and PCSM Plans. Under the 2019 General Permit, DEP expects use of these modules upon submission of an NOI to amend or to renew PAG-02 coverage, as applicable.
- **Transfer Application** – The “Transferee/Co-Permittee Application” (3150-PM-BWEW0228) will no longer be used for transferring General Permit coverage to a new permittee. DEP’s “Application for NPDES/WQM Permit Transfer” (3800-PM-BCW0041b) will now be used for this purpose.
- **Co-Permittee Acknowledgement Form** – The “Transferee/Co-Permittee Application” will no longer be used to add new operators that must be co-permittees to your General Permit coverage. DEP’s “Co-Permittee Acknowledgement Form for Chapter 102 Permits” (3800-FM-BCW0271a) will now be used for this purpose.

**These changes take effect December 8, 2019. If you determine that you are no longer eligible for general permit coverage under the 2019 General Permit, or if you determine that you will be unable to comply with the terms and conditions of the 2019 General**

**Permit, you must submit an application for an individual NPDES permit by March 9, 2020.** In addition, DEP or the delegated CCD may, at any time during the term of your coverage under the PAG-02 General Permit, determine that you are ineligible for continued coverage and require the submission of an individual permit application.

**Enclosed, please find a form developed for you to acknowledge receipt of this notice and respond to indicate whether:**

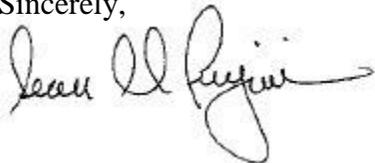
- You remain eligible and will comply with the 2019 General Permit;
- You are no longer eligible, cannot comply or do not wish to comply with the 2019 General Permit; or
- You no longer need PAG-02 coverage because earth disturbance activities have ceased and permanent stabilization has been achieved.

**You can provide your response in one of three ways no later than March 9, 2020:**

1. You can visit DEP's website at [www.dep.pa.gov/constructionstormwater](http://www.dep.pa.gov/constructionstormwater), click on the link for "PAG-02 Acknowledgement Form", and complete and submit the online form;
2. You can complete the enclosed form and email the signed form to: [RA-102PermitForms@pa.gov](mailto:RA-102PermitForms@pa.gov); or
3. You can complete the enclosed form and mail the signed form to: DEP Bureau of Clean Water, NPDES Permitting Division, PO Box 8774, Harrisburg, PA 17105-8774.

This letter provides information on certain aspects of the 2019 General Permit compared with the 2017 General Permit, but you must review the terms and conditions of the 2019 General Permit and determine your eligibility. You are encouraged to visit DEP's website, download and print the Sample PAG-02 General Permit, and contact the DEP regional office or delegated CCD that previously approved your General Permit coverage if you have any questions.

Sincerely,



Sean M. Furjanic, P.E.  
Environmental Program Manager  
NPDES Permitting Division



**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
PAG-02 GENERAL PERMIT  
ACKNOWLEDGEMENT FORM**

To complete this form online, visit DEP's website at [www.dep.pa.gov/constructionstormwater](http://www.dep.pa.gov/constructionstormwater) and click on the link for "PAG-02 Acknowledgement Form". Alternatively, complete the form below and email the signed form to [RA-102PermitForms@pa.gov](mailto:RA-102PermitForms@pa.gov) or mail the signed form to DEP Bureau of Clean Water, NPDES Permitting Division, PO Box 8774, Harrisburg, PA 17105-8774. If a permittee has multiple project sites with current PAG-02 General Permit coverage, the permittee should submit an acknowledgement for each project site.

**Submit this form no later than March 9, 2020.**

**GENERAL INFORMATION**

The information below pertains to the permittee identified on page 1 of the latest issued PAG-02 Authorization to Discharge, including new permittees as a result of a transfer of PAG-02 coverage. Co-permittees are not expected to complete this form. Asterisks (\*) denote required information.

Permittee Name*:	_____	Permit No.*:	_____
Permittee Address*:	_____	Permit Approval Date*:	_____
Permittee City, State, ZIP*:	_____	Expiration Date*:	_____
Project Site Name*:	_____	Permittee Phone*:	_____
Municipality*:	_____	County*:	_____
Email Address:	_____		

**PERMITTEE ACKNOWLEDGEMENT**

Permittees must select one (only one) of the options below.

- The permittee remains eligible for and is able to comply with the terms and conditions of the reissued PAG-02 General Permit.
- The permittee is no longer eligible for, cannot comply with, and/or no longer desires coverage under the reissued PAG-02 General Permit. An application for an Individual NPDES Permit has been sent to the DEP or county conservation district office that previously approved coverage under PAG-02.
- The permittee has ceased construction and permanently stabilized the site, and no longer requires coverage under the reissued PAG-02 General Permit. A Notice of Termination (NOT) has been sent to the DEP or county conservation district office that previously approved coverage under PAG-02.

**CERTIFICATION**

I certify under penalty of law that this report was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. See 18 Pa.C.S. § 4904 (relating to unsworn falsification).

\_\_\_\_\_  
Name (type or print legibly)

\_\_\_\_\_  
Official Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Signed