

DEP Issues Draft Stormwater General Permit; Invites Comments

PUBLISHED ON

August 22, 2019

Real estate developers and construction professionals have until mid-September to supply the Pennsylvania Department of Environmental Protection with comments on a proposed permit for stormwater discharges.

September 16 is the deadline to comment on the DEP's new draft [NPDES General Permit for Stormwater Discharges Associated with Construction Activities \(PAG-02\)](#).

If approved, the new permit can be used by parties for projects involving 1 acre or more of earth disturbance. It can also be used for a project with an earth disturbance on any portion, part, or during any stage of a larger common plan of development or sale that involves 1 acre or more of earth disturbance.

According to a DEP public notice, the proposed changes from the existing general permit include:

- An expiration date of the permit of December 7, 2024.
- New requirements to ensure onsite personnel are trained and are aware of responsibilities under the general permit.
- Prohibitions concerning discharge to impaired waters, with and without a total maximum daily load, would be revised to clarify the causes of impairment triggering additional measures.
- New forms would be available for notifying municipalities and counties of construction projects to satisfy Pennsylvania law.

If a project is ineligible for coverage under the new proposal, a party will need to obtain an individual NPDES permit, which requires considerably more time and expense to prepare and for the DEP to review.

Comments on the draft PAG-02 General Permit can be submitted using the DEP's online eComment tool at www.ahs.dep.pa.gov/eComment or by email at ecomment@pa.gov.

If you have any questions about the draft proposal or how it could affect your business, please [contact me](#) or anyone in the [Barley Snyder Environment & Energy Practice Group](#).

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