

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION



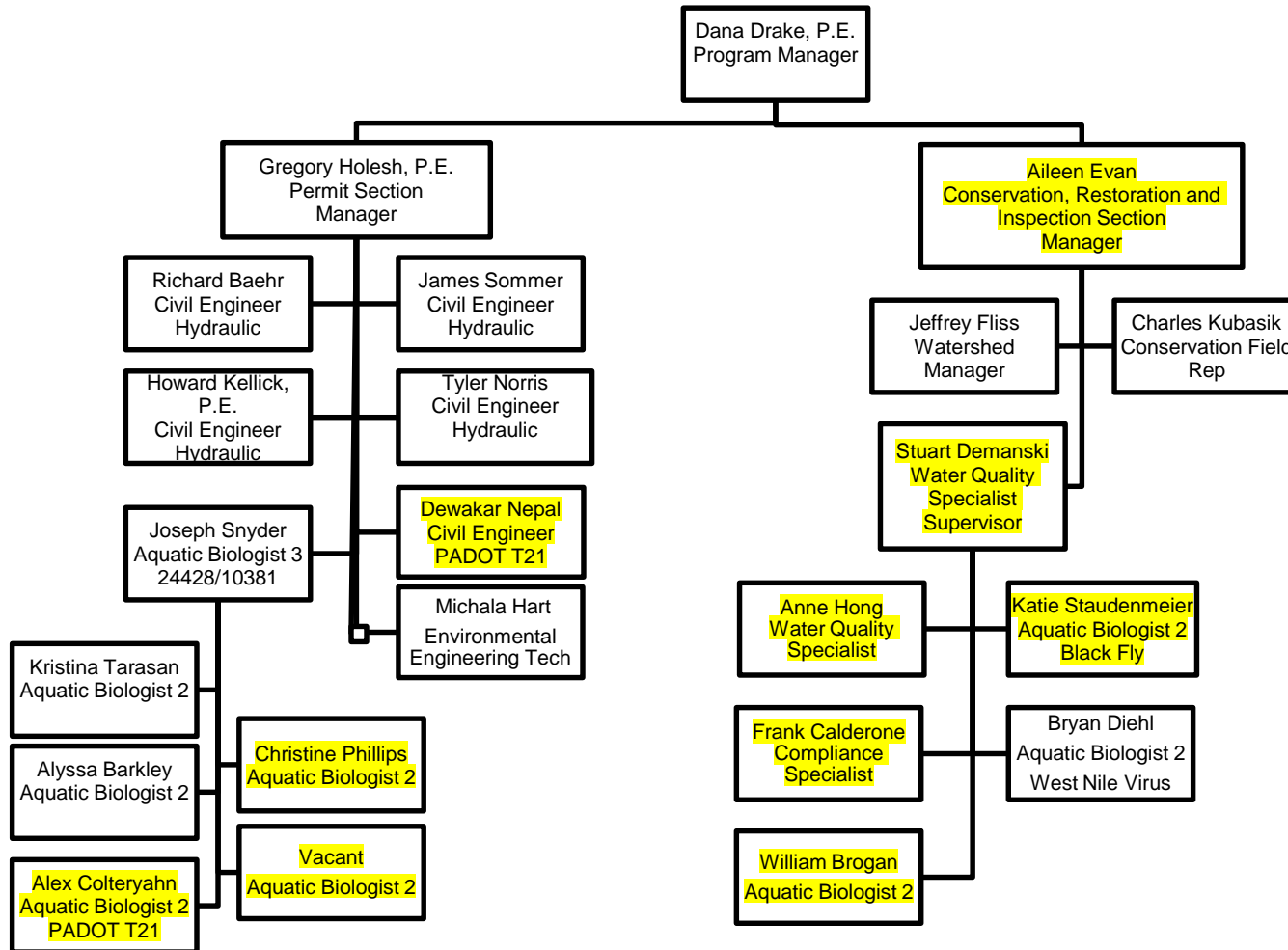
Waterways & Wetlands Program Updates

Dana Drake, P.E.
Environmental Program Manager

Tom Wolf, Governor

Patrick McDonnell, Secretary

SWRO Staff



Permit Backlog

- Permit Backlog*
 - Backlog 1 year ago - 225 Pending
 - Current Backlog - 148 Pending
 - Applications Received – 452
 - Actions Taken - 529

*Represents timeframe from 3/19/2018 through 3/18/2019.

Permitting Timeframes

- Tools and Strategies to Reduce Permit Review Timeframes
 - ePermitting
 - Extension Request Considerations
 - Pre-application Meetings
 - Staffing
 - Transfer of Armstrong and Indiana Counties to NWRO
 - Regional Permit Coordination Office

RPCO

- What is RPCO?

- Centralized office to assist with Chapter 102 and 105 permitting, technical support, and coordination
- Established in 2017
- Early 2018 began staffing program
- Team of engineers, biologists, geologists, and water quality specialists
- Officially open for business as of January 7, 2019

RPCO

PADEP OPI RPCO DR rev 03172019

Enclosure A Regional Permit Coordination Office (RPCO) Organizational Chart

OFFICE OF PROGRAM INTEGRATION

VACANCY
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Ch. 105 ENCROACHMENTS SECTION

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VACANCY
Future PTC
Civil Engr Hydraulic
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VACANCY
Future PTC
Aquatic Bio 2
HQ: TBD

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VACANCY
Aquatic Bio 2 w/
vacated 10/12/18
HQ: TBD

VACANCY
Aquatic Bio 2
Soil Science Experience
HQ: TBD

RPCO

- RPCO Duties
 - Respond to technical inquiries by DEP staff who implement Chapters 102 and 105
 - 102/105 permits and 401 State Water Quality Certifications (SWQC) for Interstate Natural Gas Pipelines requiring a FERC Certificate
 - 102/105 permits for Linear Projects located within 3(+) counties AND 2 or more regions

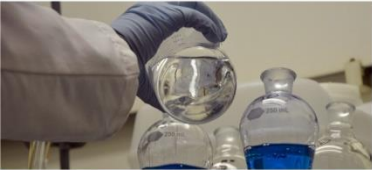
RPCO

- RPCO Duties

- 102/NPDES permits for projects proposing use of Class V Injection Wells for PCSM
- 102/105 permits for projects proposing use of floodplain restoration for PCSM.
- Manage the PADOT T21 Coordination and MOU implementation
- Future Pa Turnpike Commission 102/105 Individual Permits

FERC Regulated Projects

- RPCO developing guidance on appropriate permitting process for all FERC regulated lines.
- **ALL** projects associated with FERC regulated lines have to be permitted by DEP.
- If you have a project associated with a FERC regulated line, call your DEP regional office for guidance.



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CHAPTER 102 UPDATES

Chapter 102 Available Resources

- Bureau of Clean Water Construction Stormwater Webpage: www.dep.pa.gov/constructionstormwater

The screenshot shows the Pennsylvania Department of Environmental Protection website. The main content area is titled "Construction Stormwater" and includes a sub-heading "E&S Resources". An arrow points from a box labeled "E&S Resources" to the "E&S Resources" link on the page.

E&S Resources

Chapter 102 FAQs

- Frequently Asked Questions Documents
 - Chapter 102 Permit Amendments, 03/07/19
 - Chapter 102 Off-Site Discharges of Stormwater to Non-Surface Waters, 01/02/19
 - Chapter 102 Permitting for Solar Panel Farms, 01/02/19
 - Timber Harvest Activity, In Development
 - Common Plan of Development, In Development

FAQ – Chapter 102 Permit Amendments

- Minor Amendment – Field Change
 - Minor change to approved E&S or PCSM Plan
 - Does not increase earth disturbance
 - May be approved without submission of NOI
 - Documented on approved E&S or PCSM Plan

FAQ – Chapter 102 Permit Amendments

- Minor Amendment – Requiring Submission
 - A. Original Permitted LOD < 25 acres
 - Increase in earth disturbance < %10 of original LOD and,
 - ✓ Increased disturbance still meets eligibility requirements
 - ✓ Appropriate ES controls provided
 - ✓ PCSM BMPs identified in original plan adequate to control volume, rate, and water quality for increased disturbance
 - ✓ May include identification and utilization of off-site support facilities within ¼ mile of project site

FAQ – Chapter 102 Permit Amendments

- Minor Amendment – Requiring Submission
 - B. Original Permitted LOD \geq 25 acres
 - Increase in earth disturbance $<$ 2.5 acres of original LOD and,
 - ✓ Increased disturbance still meets eligibility requirements
 - ✓ Appropriate ES controls provided
 - ✓ PCSM BMPs identified in original plan adequate to control volume, rate, and water quality for increased disturbance
 - ✓ May include identification and utilization of off-site support facilities within $\frac{1}{4}$ mile of project site

FAQ – Chapter 102 Permit Amendments

- Minor Amendment – Requiring Submission
 - A. Partial Termination
 - B. Realignment or relocation of PCSM BMP
 - C. Substitution of structural or non-structural E&S or PCSM BMPs that still meet requirements
 - D. Addition of structural or non-structural BMP or increase in dimensions or capacities of planned BMP

FAQ – Chapter 102 Permit Amendments

- Minor Amendment – Requiring Submission
 - G. Increase or decrease to Project Site with no increase to earth disturbance.
 - H. Correction of a change in individual permittee name/client name, address or facility address or correction of substantial typographical error.

FAQ – Chapter 102 Permit Amendments

- Major Amendment
 - May adversely affect a PA or Federal T&E species or its critical habitat
 - Additional impervious surfaces unless proposed PCSM BMPs can manage without modification
 - New point of discharge or an increased discharge of stormwater
 - Phased Permit

FAQ –Off-Site Discharges to Non-Surface Waters

- May propose off-site discharges of stormwater to areas that are not surface waters.

➤ Surface Water as defined at 25 Pa. Code §102.1:

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

FAQ –Off-Site Discharges to Non-Surface Waters

- Must have legal authority to discharge.
- Must provide documentation that discharge will not cause accelerated erosion along flow path to a surface water.
- On E&S and PCSM Plans Identify:
 - All properties and property owners that will or may receive off-site discharges from project site until it reaches surface water
 - Flow path from discharge point to confluence with surface water.

FAQ – Common Plan of Development or Sale

- FAQ currently under development

- EPA Definition:

“A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one common plan. The ‘common plan’ of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.”

FAQ – Common Plan of Development or Sale

- Separate and discreet earth disturbances
 - $< \frac{1}{4}$ mi. part of same common plan
 - $\geq \frac{1}{4}$ mi. not part of same common plan

PCSM Instrument Filing Notice

- Permittee or co-permittee shall record an instrument with the Recorder of Deeds and must include the following:
 - ✓ Legal Instrument
 - ✓ Record drawings that accurately reflect as-built conditions
 - ✓ Long-term operation and maintenance plan which clearly outlines the operation and maintenance activities necessary for associated PCSM BMPs
 - ✓ Long-term operation and maintenance agreements

PCSM Instrument Filing Notice

- Initial instrument filing to occur within 45 days of permit issuance by permittee or co-permittee
- Receipt including date and place of recording, along with reference to docket, deed book, or other record demonstrates compliance with condition.
- Receipt may be scanned and emailed or copied and mailed to conservation district or Department within 90 days of permit issuance.

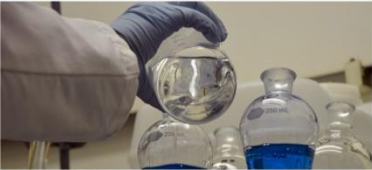
PCSM Instrument Filing Notice

- Instruments and attachments initially recorded may need amended to reflect as-built conditions.
- Proof of filing for permit termination
 - ✓ Complete Section 7.b of NOT Form
 - ✓ Receipt from Recorder of Deeds Office
- Once permit terminated, recorded instrument cannot be modified without DEP approval.

Alternative BMPs

- E&S Resource webpage
- Alternative E&S and PCSM BMPs reviewed by DEP
 - Managed Release Concept added 12/13/18
- Request preapproval for Alternative BMPs not on list

Alternative PCSM BMP	Description	Function	DEP Review Date	Example
Managed Release Concept (MRC)	<p>MRC provides for the controlled release of a portion of the stormwater captured by a BMP, preferably vegetated, at a rate similar to the lateral unsaturated flow to surface waters from undeveloped areas, which should not cause environmental degradation. A PA-licensed Professional Engineer must design any BMP that uses MRC. MRC may be used only under limited situations.</p> <p>Important links:</p> <ul style="list-style-type: none"> • MRC white paper with design standards • MRC BMP Design Summary sheet (Word) (PDF) (one sheet must be completed and submitted per proposed BMP using MRC) 	VR, WQ	12/13/2018	<p>MRC Video Presentation produced by Villanova University</p>



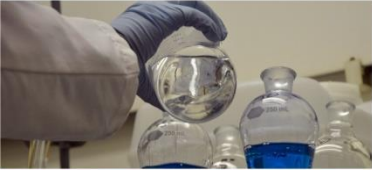
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CHAPTER 105 UPDATES

ePermitting

- ePermitting for Chapter 105 GPs went live on October 10, 2018.
 - <https://www.dep.pa.gov/Business/Water/Waterways/Pages/ePermitting.aspx>
- Starting to see applications electronically.
- Must register with Greenport to use the system.



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