

Common Plan of Development or Sale

WCD Municipal Roundtable

February 25, 2022

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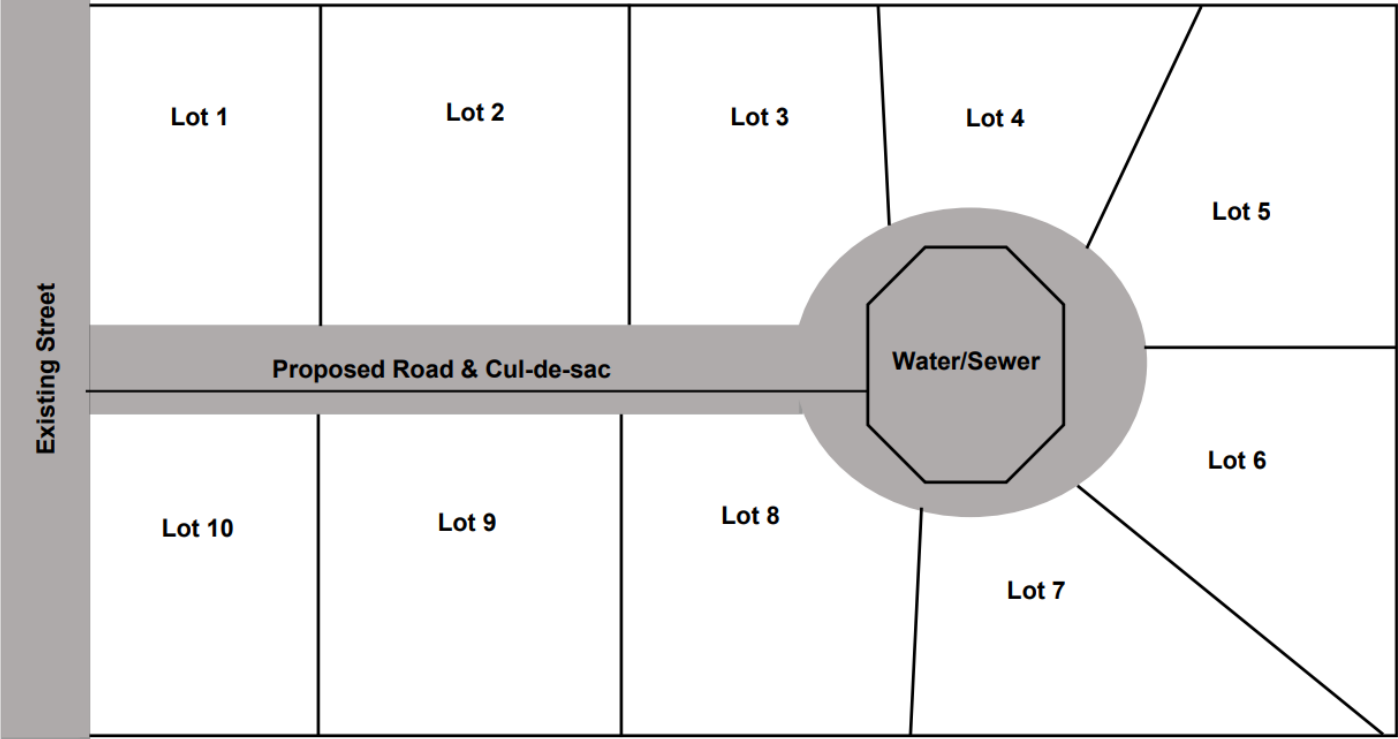
What is a common plan of development or sale?

- ▶ 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.”
- ▶ https://files.dep.state.pa.us/Water/BNPNSM/StormwaterManagement/ConstructionStormwater/Common_Plan_FAQ.pdf

Residential Home Plans

- ▶ All lots included in a common plan of development or sale require NPDES coverage until completed
- ▶ NPDES coverage is the developer's responsibility
- ▶ If the common plan of development or sale is sold to a new developer then the NPDES permit coverage is to be transferred
- ▶ Building permits should be withheld by the municipality if a current NPDES permit is not obtained and current for the life of the project

Figure 7.B



https://files.dep.state.pa.us/Water/BNPNSM/StormwaterManagement/ConstructionStormwater/Common_Plan_FAQ.pdf

Borrow and Waste Sites Associated with Projects (Off-site Support Areas)

- ▶ Off-site support areas less than 1/4 mile away from the main project area should be totaled with the project area's earth disturbance and included in a NPDES permit if 1 acre or more of earth disturbance
- ▶ Off-site support areas greater than 1/4 mile away from the main project area are not to be included in the total earth disturbance. They would need a stand alone E&S plan if 5,000 square feet-0.99 acres, or a separate NPDES permit if 1 acre or more of earth disturbance

Figure 8.C

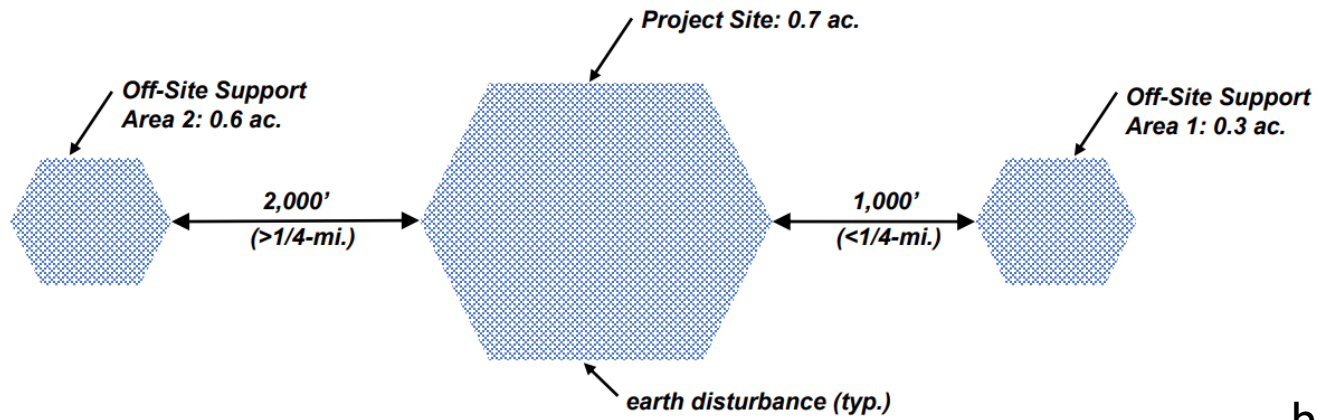
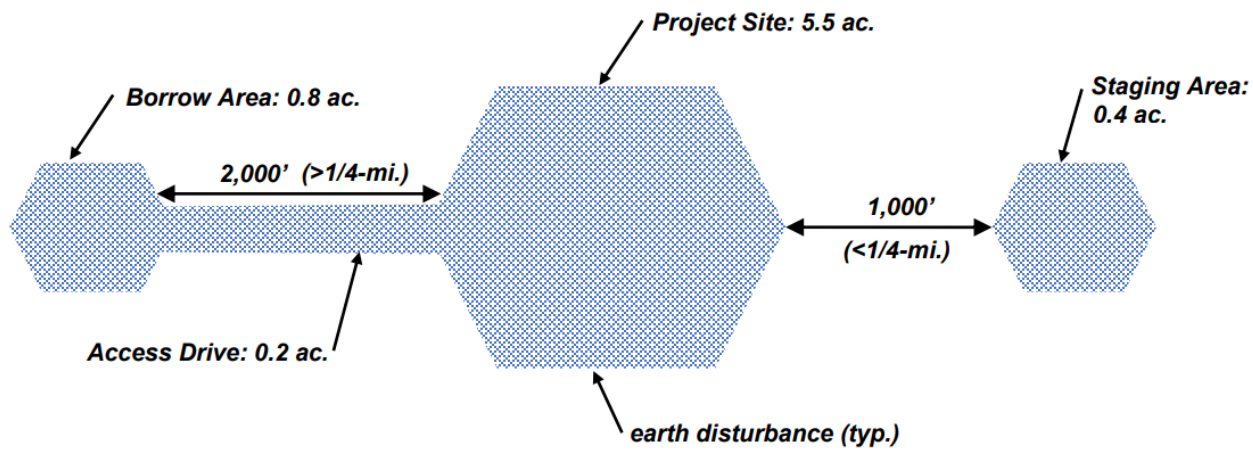


Figure 8.D

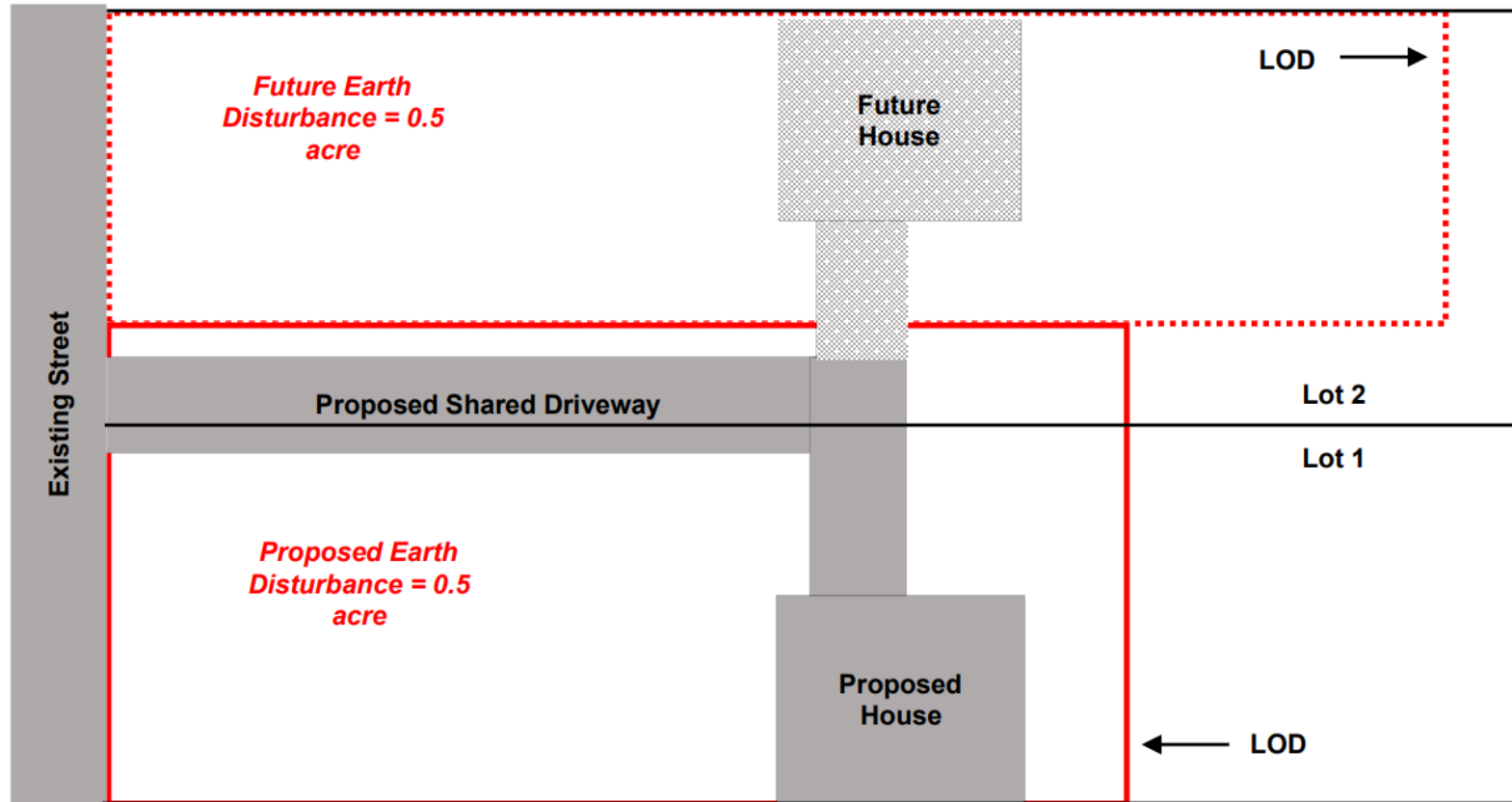


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Multiple planned structures on single or contiguous lots

- ▶ Single family homes with multiple planned building activities. Ex.) Home build, barn build, garage build, swimming pool installation all initially planned should have the earth disturbances totaled together. If earth disturbance equals 1 acre or more a NPDES permit is required.
- ▶ A shared driveway is installed between two contiguous lots with the intent to build a single family home on each lot. Even if the home builds will occur at separate times they should be totaled as one earth disturbance. If 1 acre or more a NPDES permit should be obtained.

Figure 7.D



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What should a municipality do when these types of projects come in?

- ▶ Direct the developer or applicant to the Common Plan of Development or Sale FAQ on PADEP's website
https://files.dep.state.pa.us/Water/BPNPSM/StormwaterManagement/ConstructionStormwater/Common_Plan_FAQ.pdf
- ▶ Withhold building permits if the total earth disturbance is 1 acre or more until a NPDES permit is obtained or renewed (All NPDES permits currently expire on or before December 7, 2024)
- ▶ Notify the Westmoreland Conservation District of the project, because we may not be aware of it.