

Proposed Changes to Pennsylvania's General Stormwater Permit for Construction Activity

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Pennsylvania's National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Stormwater Associated with Construction Activities (PAG-02) is up for reissuance in 2024. The current permit is set to expire on December 7, 2024. At the Pennsylvania Department of Environmental Protection's (PADEP) Water Resources Advisory Committee meeting on November 16, 2023, Krystal Bloom from PADEP's Bureau of Clean Water presented on the proposed changes to the PAG-02. See [PowerPoint Presentation](#), PADEP, "PAG-02: NPDES General Permit Reissuance" (Nov. 16, 2023).

The PAG-02 applies to earth disturbance activities that disturb areas greater than or equal to one acre. It does not apply to earth disturbance activities involving agricultural plowing and tilling, animal heavy use areas, timber harvesting activities, or 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 coverage, instead, under an Erosion and Sediment Control General Permit (ESCGP).

The proposed PAG-02 includes changes in anticipation of the final Post-Construction Stormwater Management (PCSM) Manual. Under the current PAG-02, permittees are responsible for long-term PCSM best management practices (BMPs); under the new permit, permittees would be responsible, more broadly, for PCSM stormwater control measures (SCMs), which are defined as "any natural feature or manmade structure designed or utilized to reduce or manage the volume, pollutant load, or peak rate of stormwater runoff." The Permit also proposes to modify the deadline to submit a notice of intent (NOI) for coverage from 60 days prior to planned construction commencement to 90 days. If the PAG-02 is finalized as proposed, all permittees with coverage under the current PAG-02 looking to renew coverage would need to submit a renewal NOI by December 7, 2024. Existing projects may continue coverage under the existing PAG-02 if the projects are under the proposed applicability thresholds of 100 acres of earth disturbance and 25 acres of new impervious surfaces. If the PAG-02 is finalized as proposed, annual reports would need to be submitted by December 7 each year, and permittees would be required to repair or replace any erosion and sedimentation control BMPs or PCSM SCMs within 24 hours of discovery of a failure in the BMP or SCM.

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