

## **March 3, 2010 NPDES Technical Workshop Question and Answers**

- 1. Q: Should the Municipal notification be submitted to the county and the municipality?**  
**A: Yes.**
- 2. Q: Should the Municipal notification be submitted to the County Commissioners or Planning Commission?**  
**A: Planning Commission with a copy of the cover letter to the Commissioners.**
- 3. Q: If there are new changes in the General Permit in the next 2 year period, which regulations should we follow?**  
**A: If changes occur to the permit, typically those changes will have to be addressed if you are renewing your existing permit and will apply to all new permits.**
- 4. Q: Do the General Permit changes affect an existing permit?**  
**A: No, general permit changes do not affect an existing permit.**
- 5. Q: Does the new EPA rule change apply to 20 acres of disturbed at one time or over the life of the project?**  
**A: 20 acres disturbed at one time over the project area (common plan of development). This will change to 10 acres on February 1, 2014.**
- 6. Q: Where can you find the existing use list?**  
**A: The existing use list can be found at:**  
[http://www.portal.state.pa.us/portal/server.pt/community/existing\\_use/10557](http://www.portal.state.pa.us/portal/server.pt/community/existing_use/10557)
- 7. Q: What area used to search the PNDI database?**  
**A: The boundary used for the search should be at minimum the NPDES Permit boundary.**
- 8. Q: Does the Conservation District get the township involved in the pre-application meeting or is that the design engineer's responsibility?**  
**A: Pike County invites the township to the meeting – they don't always come. Monroe County follows up by sending a record of the meeting to the townships afterward.**
- 9. Q: Can MCCD do the same as Pike and invite municipal officials to the pre-application meetings?**  
**A: Yes**
- 10. Q: What happens if the reason for a time extension is non payment of invoices by client?**  
**A: We acknowledge that certain circumstances are beyond the engineer's control, however extensions can't be granted indefinitely.**
- 11. Q: If the Districts will not be granting additional extensions, can you let the client know that it will be the last extension?**

**A: Yes. Once the final extension has lapsed, a permit recommendation may be made based on the information that the Conservation District has or the application will be considered withdrawn.**

**12. Q: If a watercourse is not available to discharge to for a particular drainage area, can a level spreader be used for discharge for that drainage area as was done in the past?**

**A: Yes, if level spreader guidance are met. Please see <http://www.yorkccd.org/wordpress/wp-content/uploads/2009/09/Level%20spreaders.pdf> for level spreader design guidance.**

**13. Q: Using Worksheet 4 in A soils can show that the site will need to infiltrate more runoff than is shown to be produced by the hydrographs. How do we address this situation in our design?**

**A: If this situation occurs, it should be discussed with the Conservation District for resolution.**

**14. Q: Why is it ok to use weighted curve numbers in a computer models?**

**A: Weighted curve numbers can be used in the computer modeling because the models typically use methods which can account for the weighted curve numbers. Creating separate hydrograph in computer models for each cover type is acceptable, however time of concentrations should be provided for each area.**

**15. Q: Do rate calculations have to account for 20% of existing impervious as meadow?**

**A: No.**

**16. Q: What are some structural BMPs that can be used in a shallow limiting zone?**

**A: The following BMPs could be used in areas with shallow limiting zone:**

**Rain garden – at existing ground elevation with berms**

**Filter berms**

**Drip and spray**

**BMPs that are not in BMP manual with justification provided**

**17. Q: Do you have any thoughts on constructing BMPs where the infiltration rate is above 10 inches per hour?**

**A: Yes BMPs can be constructed in these areas; however soil amendments may be needed to slow the rate to less than 10 inches per hour. In cases where soil amendments are being used, soil testing will likely be required to verify that the rate assumed in design is obtained by the amended soils.**

**18. Q: Does the 10 in/hr requirement need to be met before or after the reduction factor and safety factor are applied?**

**A: The 10 in/hr requirement is based on field data before any reduction factors or safety factors are applied.**

**19. Q: Are safety factors required for Ksat testing?**

**A: Yes a safety factor is required if Ksat testing is completed.**

**20. Q: What is the benefit of providing protected areas – where pre- & post peak rate is essentially the same?**

**A: The benefit is realized on Worksheet 10 as a non structural water quality BMP.**

- 21. Q: Worksheet 5 states storage volume instead of infiltration volume. Is this a mistake?**  
**A: Yes. This column should be the volume of water infiltrated by the BMP.**
- 22. Q: Why are there two sections for rooftop disconnections on Worksheet 3?**  
**A: Where the criteria for roof top disconnection, BMP 5.8.1 found in the BMP Manual in Chapter 8 are met then a 1/4 inch of volume reduction can be taken for the contributing roof top area. If the criteria are met and you have site characteristics that would allow a greater credit, then 1/3 inch of volume reduction can be taken for the contributing rooftop area.**
- 23. Q: What does the portion of Worksheet 10 that is missing say?**  
**A: This is a typo, it should say that a combination of one primary and two secondary BMPs is acceptable.**
- 24. Q: If you are designing a detention basin how do you meet the 8:1 loading ratio?**  
**A: Loading ratios are only for infiltration BMPs. If the basin is a combined detention / infiltration basin then loading ratios will need to be addressed for the infiltration component of the basin.**
- 25. Q: Where does the 75 foot buffer come from?**  
**A: The 75 foot minimum buffer resulted from a review of the Brodhead and McMichaels updated Stormwater Management Plan by the DEP Central Office per a Monroe County Conservation District request.**
- 26. Q: If the municipality is not part of the Brodhead Creek Watershed would you use the old Act 167?**  
**A: The PCSM plan should be prepared to be consistent with the most current 167 plan available for the watershed that the project is located. If there is no 167 plan then the municipal ordinance would be used and the Municipal ordinance information section of the NOI would be completed.**
- 27. Q: Why do we need Act 167 consistency letters now that Conservation District has the PCSM engineering review delegation?**  
**A: This is a Municipal consistent letter that indicates that the stormwater management plan is in compliance with municipal regulations. See question 26 above.**
- 28. Q: Should projects be designed to municipal ordinances if they are not based on the updated 167 plan?**  
**A: The project is required to be consistent with the current 167 Plan in which the project falls.**
- 29. Q: Is a buffer required if the land extending outward from a wetland, pond, stream, creek, etc slopes away?**  
**A: The buffer provision would still apply.**
- 30. Q: Should a buffer be created if there is existing development in the buffer area?**

**A: If the existing development completely occupies the buffer, then a buffer would not exist in that area. This would not preclude the remaining area outside of the existing developed area from being included in the buffer.**

**31. Q: In what situations would you get a permit without meeting CG1?**

**A: Projects should be designed to meet CG1. If CG1 cannot be met, it needs to be discussed early on in the planning process and additional design, justification and BMPs will be necessary to meet the requirements of the permit. Every effort must be made to meet CG1.**

**32. Q: Is there a specific list of requirements for an as-built plan?**

**A: Not at this time. We will work with DEP to develop a list. There may also be additional detail on this topic in the Chapter 102 revisions.**

**33. Q: Can the Conservation District come up with a standard certification form to document that the proposed BMPs were installed to plan specification?**

**A: A form may be created in the future. We may require that the design engineer or another individual oversee the installation and forward reports to the Conservation District. There may also be additional detail on this topic in the Chapter 102 revisions.**

**34. Q: Is there any way to notify the design engineer as well as the municipality that the condition for construction oversight has been placed on the permit?**

**A: Yes, the condition for oversight would be on the permit and a copy of that permit could be provided to the municipality and the design engineer. It is likely that this requirement would also be included on the plans in the form of a note or a step in the sequence.**

**35. Q: Do the municipalities get notification of permit issuance?**

**A: Yes. In Monroe and Pike Counties, the municipalities are copied on the district's complete permit application letter, technical review letters and permit cover letter. A complete set of approved E&S and PCSM plans are forwarded by the Monroe County Conservation District to the municipalities where the project lies.**

**36. Q: Who is responsible for enforcement of Post Construction BMPs Operation and Maintenance measures?**

**A: This is part of the NPDES permit conditions and may be monitored by the Conservation District. However, the operation and maintenance is the responsibility of the operator and or owner of the BMPs.**

**37. Q: Do Conservation Districts have the authority to add permit conditions that are not found in the regulations?**

**A: No. The Conservation District has the ability to request that DEP add special conditions to the permit.**

**38. Q: Who is responsible for permanent stabilization if the permittee abandons the project?**

**A: The permittee is responsible.**

- 39. Q: If the Township uses the financial securities posted for the completion of the public improvements to complete the public improvements in the absence of the developer / permittee, does the township have to become a co-permittee?**  
**A: No. However the approved E&S and PCSM plans would need to be implemented for the work completed by the township.**
- 40. Q: Can the Conservation District come up with a different word or a specific time frame to replace or better describe “immediately”?**  
**A: No, current regulations require immediate stabilization in special protection watersheds. The proposed regulations require stabilization within 3 days.**
- 41. Q: If you are renewing a permit, do worksheets need to be submitted for a drainage area where the work is complete?**  
**A: No.**
- 42. Q: In a permit renewal for a subdivision, if only a small number of houses are constructed do we need to meet the new regulations?**  
**A: Yes. This would be discussed at the pre-application meeting and the Conservation District will work with the Applicant to resolve this and other issues specific to the site.**
- 43. Q: Do you have to submit a brand new E&S plan with a permit renewal application?**  
**A: If there are no changes to the approved plan, you would submit two copies of the approved plan, narrative and a separate plan (usually based on an overall PCSM Plan) that shows the completed and/or remaining earth disturbance and PCSM BMPs.**
- 44. Q: If you are required to meet new volume requirements on a portion of the project that is not constructed yet, will there be more flexibility regarding loading ratios?**  
**A: The applicant must demonstrate that they have made every attempt to meet the volume and water quality targets.**
- 45. Q: If an individual permit renewal is submitted within 180 days of permit expiration and it is not administratively complete, will the previous permit expire?**  
**A: These are evaluated on a case-by-case basis. If a renewal application is not submitted in a timely manner, there are no guarantees.**
- 46. Q: Do the Conservation Districts send out a notification letter that the permit will expire in 180 days?**  
**A: No. The DEP Northeast Regional Office has been sending out a letter to the permittee, although it is not a program requirement.**
- 47. Q: Can you apply for an individual permit instead of a general permit to get the 5-year vs. 2- year permit?**  
**A: Yes, but it is strongly discouraged. Also, completing an individual permit application could expose your client to additional requirements.**
- 48. Q: Will you know which special permit conditions the Conservation District will recommend at the time of the pre-application meeting?**  
**A: No. However as the review progresses, special conditions may be discussed.**