



August 27, 2024

RE: Reissuance of PAG-02 General Permit
Discharges of Stormwater Associated with Construction Activities

Dear Permittee:

Your National Pollutant Discharge Elimination System (NPDES) permit coverage for discharges of stormwater associated with construction activities will expire on December 7, 2024. Please read this letter carefully as it explains the steps you need to take to retain NPDES permit coverage after December 7, 2024.

On August 31, 2024, the Department of Environmental Protection (DEP) will publish a final, reissued NPDES PAG-02 General Permit for Discharges of Stormwater Associated with Construction Activities in the *Pennsylvania Bulletin* for a new 5-year term. You are receiving this letter because, according to our records, you currently have coverage under the PAG-02 General Permit, and the Luzerne Conservation District (District) would like to explain how the reissuance of the PAG-02 General Permit affects you.

The District recommends that you, your operator(s), and your consultant(s) take the following steps to ensure that you will continue to have NPDES permit coverage, as needed, after December 7, 2024 for stormwater discharges from your project site:

Step 1: Review the reissued PAG-02 General Permit that will become effective on December 8, 2024 to determine if you will be able to comply with the new terms and conditions.

Please visit DEP's website at www.dep.pa.gov/constructionstormwater on or after August 31, 2024. Click on "E&S Resources" on the right and find the link for the PAG-02 General Permit in the list of Permits and Applications. This link will take you to the PAG-02 folder in DEP's eLibrary, where you can find the reissued General Permit (ID No. 3800-PM-BCW0405d). There is also a link to a training program on the reissued PAG-02 General Permit that we recommend you take.

The reissued PAG-02 includes changes that you will need to comply with. Some of these changes are summarized below. If you determine that you will not be able to comply with the reissued General Permit, or if you no longer wish to retain PAG-02



coverage, go to Step 3; otherwise go to Step 2.

Step 2: Verify that your project remains eligible for the reissued PAG-02 General Permit.

We recommend that you review the Eligibility Information section of the PAG-02 Renewal NOI (ID No. 3800-PM-BCW0405h) to verify your continued eligibility under PAG-02. In particular, there may have been changes to the classification of the surface waters receiving stormwater discharges from your project site since you originally received PAG-02 coverage. Check DEP's [Statewide Existing Use Classifications website](#) (visit www.dep.pa.gov, select "Businesses", "Water", "Bureau of Clean Water", "Stream Redesignations", and "Statewide Existing Use Classifications") and 25 Pa. Code Chapter 93 (visit www.pacodeandbulletin.gov, select "25 Environmental Protection" under "CODE" and select "Chapter 93. Water Quality Standards") to determine if the surface waters have been upgraded to High Quality Waters (HQ) or Exceptional Value Waters (EV). If your site discharges to wetlands, determine whether the wetlands meet any of the criteria in 25 Pa. Code § 105.17 for EV wetlands. For example, you should check the [Pennsylvania Fish and Boat Commission's website](#), Wild Trout Waters (Natural Reproduction) list (visit www.fishandboat.com, select "Fishing", "All About Fish", "Catch PA Fish", "Trout", and "Trout Water Classifications"), to determine if the wetlands are within the floodplain of a listed water. If stormwater discharges will flow to HQ or EV waters, including EV wetlands, go to Step 3; otherwise go to Step 4.

Step 3: Submit an application for an Individual NPDES Permit by December 7, 2024, if necessary.

If your project site will no longer qualify for PAG-02 coverage or if you cannot comply with the new terms and conditions, you must submit a complete Individual NPDES Permit application (ID No. 3800-PM-BCW0408b), which must be received by the District on or before December 7, 2024. If the application is submitted on time, you will be able to continue discharging stormwater under the reissued PAG-02 General Permit until DEP is able to issue the Individual NPDES Permit.

Step 4: If Step 3 does not apply, submit a PAG-02 Renewal NOI by December 7, 2024.

If your project site continues to qualify for PAG-02 coverage and you are able to comply with the new terms and conditions, you must submit a complete PAG-02 Renewal NOI (ID No. 3800-PM-BCW0405h), which must be received by the District on or before December 7, 2024. If the Renewal NOI is submitted on time, you will be able to continue discharging stormwater under the reissued PAG-02 General Permit. The District will verify your eligibility, including your ability to comply, and provide formal notification of your continued coverage after receiving the Renewal NOI.



If DEP or the District determines that you are no longer eligible for coverage under PAG-02, DEP or the District will notify you in writing and provide you with 90 days to submit an Individual NPDES Permit application. If the Individual NPDES Permit application is submitted on time, you will be able to continue discharging under PAG-02 until such time that DEP issues the Individual NPDES Permit.

Note that DEP or the District may determine that you are ineligible for continued PAG-02 coverage due to the previous lack of ability or intention to comply with PAG-02 or a DEP regulation, schedule of compliance, or order. If this determination is made, you will need to submit an Individual NPDES Permit application.

In summary, you must submit either the PAG-02 Renewal NOI or an Individual NPDES Permit application by December 7, 2024 if you intend to continue discharging stormwater following December 7, 2024. *Since December 7, 2024 is not a business day, we recommend that you submit your Renewal NOI or application so that it is received by the District prior to December 7.*

If you have previously submitted or plan to submit a Notice of Termination (NOT) for your project to the District, you will not need to submit an NOI or application if the NOT will be approved by December 7, 2024. If you are unsure of whether or not your NOT will be approved by December 7, 2024, we recommend that you contact the District.

If you fail to submit the Renewal NOI or an Individual NPDES Permit application by December 7, 2024 and an NOT has not been approved, you will be operating without NPDES permit coverage and you may be subject to enforcement by DEP and/or the U.S. Environmental Protection Agency.

If you do not have access to a computer, you may contact the District at 570-674-7991 to have a copy of the Renewal NOI or other documents mailed to you.

Mail the complete Renewal NOI or Individual NPDES Permit application to the District at the following address:

Luzerne Conservation District
325 Smiths Pond Road
Shavertown, PA 18708

Also include a check or money order in the amount of \$500 if the PAG-02 Renewal NOI is submitted or \$1,500 if the Individual NPDES Permit application is submitted, made payable to the Luzerne Conservation District Clean Water Fund.



Assuming that you submit a timely Renewal NOI or Individual NPDES Permit application, effective December 8, 2024, the terms and conditions of your PAG-02 coverage will change. The following summarizes the significant changes for existing permittees in comparison to the PAG-02 General Permit that became effective on December 8, 2019. Note that this list is not comprehensive of all changes.

PAG-02 General Permit Changes

- **Construction Dewatering Water** – Permittees must attempt to infiltrate construction dewatering water in upland vegetated areas of the project site prior to discharge. If this cannot be done, the water must be treated by an approved series of two or more BMPs that provide filtration prior to discharge to surface waters to reduce discharges with visual turbidity, unless the permittee can document that the outflow from a single BMP will achieve a turbidity of 50 Nephelometric Turbidity Units (NTUs) or less and receives written approval from DEP/CCD (see Part A I.B.3 of the reissued PAG-02 General Permit).
- **Revised Visual Site Inspection Report** – A revised version of the Visual Site Inspection Report (VSIR) (ID No. 3800-FM-BCW0271d) is being published in conjunction with the reissuance of PAG-02. Existing permittees are expected to download and begin using the revised form, or equivalent, on December 8, 2024.
- **Monthly Color Photographs** – Permittees must take date and time stamped color photographs on a monthly basis of E&S BMPs and PCSM SCMs and when deficiencies in BMPs and SCMs are identified. These photographs should be maintained with completed VSIRs. DEP/CCD may approve an alternative in writing if proposed by the permittee (see Part A III.C.1.a of the reissued PAG-02 General Permit).
- **Qualified Site Inspectors** – Effective December 8, 2025, permittees may use only qualified site inspectors to complete the visual site inspections required by the PAG-02 General Permit. There are three options for an inspector to be considered qualified (see Part A III.C.1.c of the reissued PAG-02 General Permit).
- **SCM Construction Certification Form** – Within 30 days following completion of a structural PCSM SCM, as defined in the reissued PAG-02 General Permit, the permittee must submit the SCM Construction Certification Form (3800-FM-BCW0271j) to DEP/CCD, signed by the permittee and a licensed professional (see Part A III.C.2.b of the reissued PAG-02 General Permit).
- **Annual Report** – By December 7 of each year, the permittee must submit an annual report (3800-PM-BCW0405e) to the office of DEP/CCD that approved general permit coverage to report on the status of earth disturbance activities. The first annual report for existing permittees is due December 7, 2025 (see Part A III.D.1 of the reissued PAG-02 General



Permit).

- **BMP and SCM Repairs** – When the failure of a BMP or SCM has resulted in or is likely to result in pollution, the permittee has a responsibility to immediately initiate the repair or replacement of the BMP or SCM upon discovery and complete the repair or replacement within 24 hours, unless otherwise required by DEP/CCD. When the failure of a BMP or SCM is not likely to cause pollution, the permittee must initiate the repair or replacement within 24 hours of discovery and complete the repair or replacement within 7 days, unless otherwise required by DEP/CCD (see Part B I.E.3 of the reissued PAG-02 General Permit).
- **Notice of Termination (NOT) Revisions** – A revised version of the NOT (3800-PM-BCW0229b) has been published by DEP in conjunction with the reissuance of the PAG-02 General Permit. PAG-02 and the NOT require that a copy of the final recorded instrument (that is consistent with DEP’s Sample Instrument), all attachments or exhibits to the instrument, and proof of recording be submitted with the NOT (see Part C VII.B of the reissued PAG-02 General Permit).
- **New Property Owner Notification Form** – Whenever a lot or parcel containing a PCSM SCM is sold during the term of General Permit coverage, the permittee must provide the new property owner with 1) record drawings or other plans identifying the SCM; 2) a long-term operation and maintenance (O&M) Plan for the SCM; and 3) a completed New Property Owner Notification form (3800 FM BCW00271i). The permittee must submit copies of completed New Property Owner Notification forms to DEP/CCD and to the municipality where the SCM is located within 30 days of the date of transfer of the property. The New Property Owner Notification Form replaces the “New Property Owner Post-Construction Stormwater Management Best Management Practice(s) Notification and Operation and Maintenance Agreement” used previously (see Part C VII.C of the reissued PAG-02 General Permit).
- **On-Site Soil and Groundwater Contamination** – The reissued PAG-02 General Permit includes notification requirements in response to the discovery of soil contamination (see Part C IX.B) and groundwater contamination (see Part C IX.C) by the permittee or operator co-permittee.
- **Confirmation Testing for Infiltration Stormwater Control Measures (SCMs)** – Effective December 8, 2025, confirmation testing for infiltration capacity must be completed under the direction of a licensed professional to verify infiltration SCMs will function as designed (see Part C X of the reissued PAG-02 General Permit).
- **Co-Permittee Acknowledgement and Co-Permittee Liability Release Forms** – Effective December 8, 2024, PAG-02 permittees should no longer complete and submit these forms to DEP/CCD for compliance with PAG-02. DEP/CCD will use the operator changes identified



on VSIRs to monitor operator co-permittees, as necessary.

These are the significant changes that are expected to affect existing PAG-02 permittees though it does not include all of the changes to the PAG-02 General Permit. You are encouraged to visit DEP's website, review the reissued PAG-02 General Permit, and contact DEP at RA-EPChapter102@pa.gov or this office at 570-674-7991 or permits@luzernecd.org if you have questions.

Sincerely,

Joshua Longmore
Executive Director
Luzerne Conservation District

