

District Administrative Updates

March 17 & 18, 2016



- **New Fee Schedules**
 - **PNDI's- \$40 Fee**
- **WCD's New Database**
- **WCD's New Filing System**
- **DEP's New Plan Storage Requirements**
 - **WCD's New Scanner/Plotter/Printer**

APPLICATION FOR PLAN REVIEW

Application must be completed by project owner or consultant and submitted with the required plan, narrative, and applicable fees.

The following items are included in this plan: *Check all that apply.*

NPDES Permit

\$500 for General, \$1500 for Individual

Payable to Westmoreland Clean Water Fund _____ **Total Enclosed** _____

\$100 per disturbed acre *rounded to the nearest whole acre*

Payable to Commonwealth of PA Clean Water Fund _____ **Total Enclosed** _____

ESCGP-2 Permit

\$500 Payable to Westmoreland Clean Water Fund

Total Enclosed _____

\$100 per disturbed acre *rounded to the nearest whole acre*

Payable to Commonwealth of PA Clean Water Fund _____ **Total Enclosed** _____

Stormwater Management Plan

See Stormwater Management Fee Schedule

Payable to Westmoreland Conservation District _____ **Total Enclosed** _____

Erosion & Sediment Control Plan

See Section IIA of E&S Fee Schedule

Payable to Westmoreland Conservation District _____ **Total Enclosed** _____

Stream Encroachment General Permit (GP #'s 1 through 9)

See Section IIIB for link of DEP Fee Schedule

Payable to Westmoreland Clean Water Fund _____ **Total Enclosed** _____

See Section IIIA of E&S Fee Schedule (page 2)

Payable to Westmoreland Conservation District _____ **Total Enclosed** _____

TUESDAY, OCTOBER 6, 2015

-- Timely review of permits: The Secretary said DEP is reviewing 89 percent of the complete permit applications on time under the agency's Permit Decision Guarantee Program.

He noted that was down a little from the beginning of the year because the volume of permits has increased and he has fewer staff.

Quigley said a big issue is having a complete permit application. He said a recent study of over 2,600 randomly selected permit applications for Chapter 102 erosion and sedimentation control and Chapter 105 water obstructions and found 39% had technical or completeness deficiencies that prevented them from being reviewed right away.

47 consultants submitted the applications. Quigley said if he had to grade their performance on the completeness of their applications, he would give 1 consultant an A, 5 consultants a B, 7 at C, 8 a D and 26 an F.

“There are a lot of businesses that aren’t getting their money’s worth out of their consultants,” Quigley said. “We’re not getting good permits coming in the door.”

WCD's Recommendations to Engineers/Plan Preparers as a Response to the Blog

1. Training - Keep up-to-date on changes in the regulations

2. Each New Project

A. Contact the Municipality – find out their requirements.

B. Call the Conservation District – Give a quick overview of the plan. Is a Pre-application Meeting necessary? Do we need to include the municipal planner & municipal engineer?

****Note -90% of plans that have a Pre-application meeting are complete at application time**

3. Request an Application Meeting

Be consistent with Project Names on new Plans, Renewals, and Modifications.

Make sure you are always using the SAME Project Name on the

- **WCD Application**
- **NPDES NOI, and/or**
- **Chapter 105 General Permit Registration**

13. SEWAGE FACILITIES

Earth disturbance may not commence until all related Act 537 Sewage Facilities Planning approvals have been obtained.

14. LONG-TERM OPERATION AND MAINTENANCE

- a. The permittee or co-permittee shall be responsible for long-term operation and maintenance of PCSM BMPs unless a different person is identified in the NOT and that person has agreed to long-term operation and maintenance of PCSM BMPs.
- b. For any property containing a PCSM BMP, the permittee or co-permittee shall record an instrument with the Recorder of Deeds which will assure disclosure of the PCSM BMP and the related obligations in the ordinary course of a title search of the subject property. The recorded instrument must identify the PCSM BMP, provide for necessary access related to long-term operation and maintenance for PCSM BMPs, and provide notice that the responsibility for long-term operation and maintenance of the PCSM BMPs is a covenant that runs with the land that is binding upon and enforceable by subsequent grantees, and provide proof of filing with the NOT under 25 Pa. Code § 102.8(m)(2).
- c. For Commonwealth owned property, a covenant that runs with the land is not required until the transfer of the land containing a PCSM BMP occurs. Upon transfer of the Commonwealth-owned property containing the PCSM BMP, the deed must comply with 25 Pa. Code § 102.8(m)(3). An agency of the federal government shall not be required to make or record a declaration of covenants on its property until transfer of the property to a non-federal or non-Commonwealth entity or individual. Upon transfer of the Commonwealth-owned or federally-owned property containing the PCSM BMP, the deed must comply with 25 Pa. Code § 102.8(m)(3).
- d. The person responsible for performing long-term operation and maintenance may enter into a written agreement with another person, including a conservation district, nonprofit organization, municipality, authority, private corporation, or other person, to transfer the responsibility for PCSM BMPs or to perform long-term operation and maintenance and provide notice thereof to the Department.
- e. A permittee or co-permittee that fails to transfer long-term operation and maintenance of the PCSM BMPs or otherwise fails to comply with this requirement, shall remain jointly and severally responsible with the landowner for long-term operation and maintenance of the PCSM BMPs located on the property.
- f. Unless a later date is approved by the Department in writing, the permittee shall record an instrument as required under 25 Pa. Code § 102.8(m)(2) and Condition 14b of this permit within 45 days from the date of issuance of this permit or authorization. Unless the Department authorizes a different procedure, the long-term operation and maintenance plan shall be recorded along with the instrument. Unless a later date is approved by the Department in writing, the permittee shall provide the conservation district and the Department with the date and place of recording along with a reference to the docket, deed book or other record, within 90 days from the date of issuance of this permit or authorization.
- g. Unless an alternative process is approved by the Department in writing, upon the sale or other transfer of any parcel, lot, road or other real property included within the permit boundary, the permittee shall notify the purchaser, grantee, or transferee of the long-term PCSM BMP operation and maintenance requirements. The permittee shall expressly identify the PCSM BMPs on each property, the schedule for inspection and reporting, the person or entity responsible for long-term operation and maintenance of the PCSM BMPs and how access to the BMPs will be achieved and shall obtain approval from the purchaser, grantee or transferee. Unless a later date is approved by the Department in writing, the permittee shall provide the conservation district and the Department with notice of compliance with this section within 45 days from the date of transfer of the property and at the time the permittee files a Notice of Termination.

15. VOLUNTARY RIPARIAN FOREST BUFFERS

Persons that protect, convert, or establish a new riparian forest buffer that meets the requirements of 25 Pa. Code § 102.14(b) (relating to riparian buffer requirements) may qualify for benefits under 25 Pa. Code § 102.14(e)(1) and (2) relating to the antidegradation presumption and trading or offsetting of credits.

16. MUNICIPAL SEPERATE STORM SEWER SYSTEMS (MS4s) MCM FULFILLMENT

MS4s subject to PAG-13 permit coverage requirements may choose to rely on Pennsylvania's Chapter 102 permitting program and this permit to satisfy their MS4 NPDES permit obligations related to their MCM 4 (Construction) and MCM 5 (Post Construction), BMPs 1 through 3 obligations as part of a qualified local program.

**BEWARE -
Permit Conditions**

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Permit Conditions**

When receiving any permits from DEP, please READ and encourage the Applicant to READ all conditions!

Time and Money \$aved

**DO NOT START YOUR
PROJECT WITHOUT
YOUR NPDES
PERMIT!!!**

Notice of Termination

Make sure you are
completing all 7 items
before submitting the
NOT.

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