



LUZERNE CONSERVATION DISTRICT

Navigating the 2024 PAG-02 General NPDES changes

Presented by Keith George, CPESC

Conserving Natural Resources for Our Future

Luzerne Conservation District Programs



E&S/NPDES Program



Watershed Stewardship



**Ag Conservation
Farm Preservation**



Education/Outreach



Dirt, Gravel & Low Volume Roads



**Mosquito-borne
Disease Control**



Erosion & Sediment Control/NPDES

- The District administers the E&S program through a delegation agreement by the PA Department of Environmental Protection (DEP).
- The District reviews applications, E&S plans, and PCSM plans, mainly for NPDES Permits for Discharges of Stormwater Associated with Construction Activities.
- The District conducts inspections of earth disturbance activities to ensure the developer and contractors are compliant with the permit conditions and consistent with the approved E&S and PCSM drawings.

NPDES Permit
coverage is required
for 1 acre or more of
earth disturbance



Erosion & Sediment Control/NPDES

In the last 5 years (1/1/2021 – 1/1/2026), the District has:

- Conducted **1,891** permit application & E&S plan reviews
- Authorized **330** NPDES permits
- Conducted **1,058** site inspections.
- Investigated **414** soil and water related complaints.

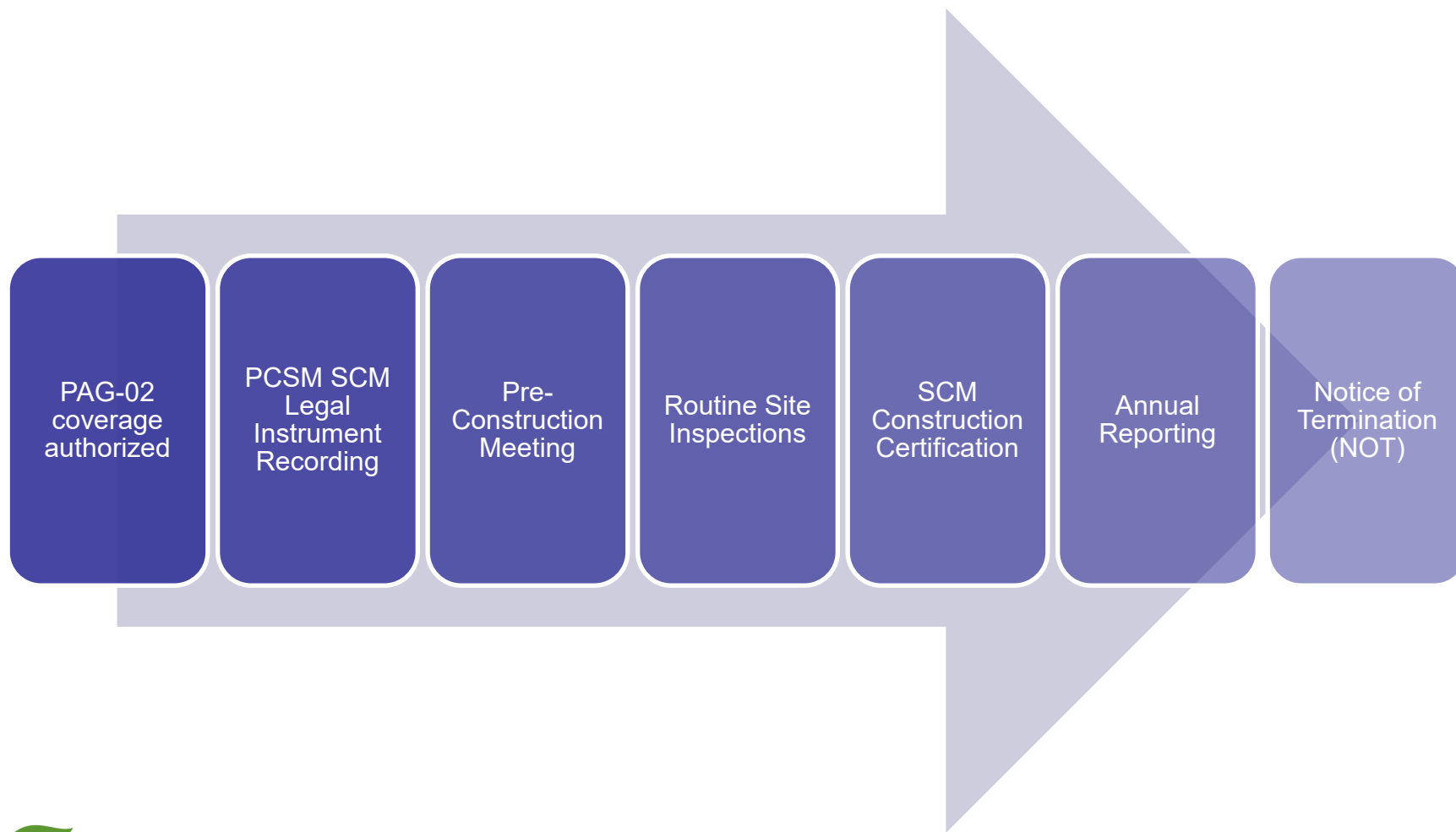


2024 PAG-02 General NPDES Permit

- The PAG-02 NPDES General Permit became effective **December 8, 2024** and will expire **December 7, 2029**.
- Key updates include terminology changes (“Stormwater Control Measures”, or “SCM,” instead of “BMP”), annual reporting, recorded PCSM submission timing, “qualified personnel” inspection reqs, SCM construction certification, and confirmation testing for infiltration SCMs
- New PAG-02 permit conditions were incorporated into the NPDES Individual Permit for Discharges of Stormwater Associated with Construction Activities in March 2025.
- Enforcement deadlines of new permit conditions were staggered through December 8, 2025.



Active Permit Lifecycle



Initial PCSM Recording

- The permittee must record a legal instrument with the Recorder of Deeds for each property that will contain SCMs.
- Identifies the SCMs, provides access for long-term O&M of the SCMs, and provides notice that the responsibility for long-term O&M of the SCMs is a covenant that runs with the land.
- Not required for Commonwealth or federal land
- **Recording must be completed before pre-construction meeting is held.**
- Documentation to be recorded:
 - Instrument (consistent with DEP's Sample Instrument of Restrictions and Covenants)
 - Approved PCSM Plan Drawings
 - Long-Term O&M Plans for SCMs



Pre-Construction Meeting

- Required prior to starting construction. Permittee must invite the District, co-permittees/operators, municipal reps, licensed professionals, and others responsible for E&S, PCSM, and critical stage implementation and oversight.
- The District will provide an in-depth review of permit conditions, record construction team roles, and explain compliance/enforcement procedures.
- The District will ensure the permittee has obtained all other state and local permits and approvals required prior to earth disturbance activities including PennDOT HOP(s), Chapter 105 authorizations, **Act 537 Sewage Planning**, etc



Site Inspections

- Weekly & post-storm event (≥ 0.25 inches over 24 hours)
- Document inspections on DEP's Chapter 102 Visual Site Inspection Report (VSIR)
- The permittee must take color photographs of E&S BMPs and PCSM SCMs at least monthly, unless otherwise approved in writing by DEP/CCD. The photographs must have a date and time stamp and be made available for DEP/CCD review upon request.



Site Inspector Qualifications

- Effective December 8, 2025, site inspections must be performed by qualified personnel that are trained and experienced in E&S and PCSM BMP construction, function, and maintenance and are familiar with the E&S and PCSM Plans for the project site.
- A person is qualified when one or more of the following conditions are satisfied:
 - They have **completed the Qualified Site Inspector Training Program** in DEP's Clean Water Academy
 - **Certified Professional in Erosion and Sediment Control (CPESC)** or as a **Certified Erosion, Sediment, and Stormwater Inspector (CESSWI)**
 - Can demonstrate to the satisfaction of DEP/CCD that they have **qualifications equivalent to or exceeding those identified above.**



Licensed Professional Oversight

- The permittee must ensure that a licensed professional or a designee is present on-site and is responsible for oversight of critical stages of implementation of approved PCSM SCMs
- The permittee must document the implementation of each structural PCSM SCM using DEP's SCM Construction Certification Form (3800-FM-BCW0271j) and submit the completed form to CD within 30 days of the completion of SCM construction.



Critical stages must be clearly defined in the E&S/PCSM Plans' construction sequence



SCM Construction Certification Form

- An SCM Construction Certification Form is needed for any structural SCM that is documented in the PCSM Spreadsheets and/or PCSM Plan as providing volume, water quality, and/or peak rate management credit.
- Photographs of each SCM critical stage with date/time stamps and appropriate captions must be attached to form.
- SCMs should be considered complete when final grades are achieved; embankments are complete; components such as inlets, outlets, spillways, etc. have been installed; media has been placed; testing, as applicable, has been completed. For vegetated SCMs, the SCM should be seeded and/or planted. Vegetation does not need to be fully established.



3800-FM-BCW0271j Rev. 12/2025
SCM Certification Form



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER

Chapter 102 SCM Construction Certification Form

General Project and SCM Information			
Project Site Name:	_____	Permit No.:	_____
Permittee Name:	_____	Expiration Date:	_____
SCM Name:	_____	SCM ID No.:	_____
Designer Name:	_____	Municipality:	_____
Designer Firm:	_____	County:	_____
Recording Date:	_____	SCM Latitude:	_____
Drainage Area:	_____ acres	SCM Longitude:	_____
Impervious Area:	_____ acres	Date Complete:	_____
<input type="checkbox"/> New SCM <input type="checkbox"/> Modified SCM Person(s) responsible for long-term O&M: _____			

Report all inspections of the SCM and provide the information requested in the table below or as an attachment.

Inspection Date	Critical Stage(s)	Inspector Name	Inspector Firm

Construction Information

Photographs of each critical stage with date/time stamps and appropriate captions are attached (required).

Explain any deviations made during construction in comparison to the approved PCSM Plan and if the deviations were approved by DEP/CCD.

Describe measurements taken by the inspector to evaluate conformance of the SCM and its components with approved plans.

Was volume management credit claimed in the PCSM Plan using infiltration for this SCM? Yes No

If Yes, was confirmation testing required for this SCM, per Chapter 102 permit conditions? Yes No

Describe the method(s) used to confirm in the field that the SCM will infiltrate as designed. N/A

Describe corrective measures as a result of confirmation testing, if any.

Infiltration Confirmation Testing

- Effective December 8, 2025, confirmation testing is required to verify that infiltration SCMs will perform as designed anytime:
 - The area of an infiltration SCM has not been protected, as determined by a licensed professional or DEP/CCD, and
 - An E&S BMP will be converted to a PCSM SCM and used for infiltration.
- Confirmation testing is a critical stage of SCM construction that must be overseen by a licensed professional or designee.
- Testing should be done after major earth disturbance is complete and the drainage area (pervious and impervious) to the SCM is permanently stabilized.
- Confirmation testing methods
 - simulated runoff test using a ponding depth of no less than six (6) inches within the SCM;
 - inspection during and after a storm event that produces a ponding depth of no less than six (6) inches within the SCM;
 - infiltration testing using methods from the Pennsylvania Stormwater BMP Manual



Annual Reporting

- The permittee must submit an Annual Report to DEP/CCD by December 7 each year using DEP's Annual Report template. The Annual Report must address activities under this General Permit for the reporting period of October 1 – September 30.
- The first Annual Report is due by December 7 following the first full year of General Permit coverage.
 - Example: If a PAG-02 permit is authorized February 17, 2026, the first Annual Report would be due December 7, 2027.



3800-PM-BCW0405e Rev. 12/2024
Annual Report
Pennsylvania
Department of
Environmental Protection

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) DISCHARGES OF STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITIES ANNUAL REPORT

FOR THE PERIOD [] TO []

GENERAL INFORMATION	
Project Site Name: []	Permit No.: []
Permittee Name: []	Issuance Date: []
Permittee Address: []	Expiration Date: []
Permittee City, State, ZIP: []	Municipality: []
Permittee Contact: []	County: []
Contact Email: []	Contact Phone: []
Permittee contact information that has changed since the last report: []	
<input type="checkbox"/> The permittee intends to continue operating under an Individual NPDES Permit or PAG-02 General Permit coverage during the next reporting period.	
<input type="checkbox"/> The permittee <u>does not</u> intend to continue operating under an Individual NPDES Permit or PAG-02 General Permit coverage and requests termination of permit coverage. A complete NOT is attached (3800-PM-BCW0229b).	
Have any lots or parcels within the project site that contain or will contain PCSM SCMs been sold during the reporting period? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, have New Property Owner Notification form(s) been provided to the new owner and submitted to DEP/CCD? <input type="checkbox"/> Yes <input type="checkbox"/> No	

PROJECT STATUS INFORMATION	
1. Describe the status of the project (i.e., what work has been completed to date and what remains to be completed). []	
2. Explain which step of the construction sequence as identified in the E&S and/or PCSM Plans you are presently on. []	
3. During the reporting period were any deviations made from the approved E&S and/or PCSM Plans? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, describe the deviation(s) and indicate the date(s) the deviation(s) were approved by DEP/CCD. []	
Latest Approved Revision Date for E&S Plan Drawings: []	PCSM Plan Drawings: []
4. Projected date by which the site will be permanently stabilized and an NOT will be submitted: []	
5. Have visual site inspections been completed weekly and after measurable storm events throughout the reporting period? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, explain: []	
6. Have any PCSM SCMs been constructed during the reporting period? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, was a licensed professional or designee on-site to provide oversight of critical stages? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, was an SCM Construction Certification Form submitted to DEP/CCD? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Notice of Termination

The permittee is liable for all permit conditions until a Notice of Termination (NOT) has been submitted to the District, even if permit coverage has expired.

- A NOT must be submitted to the District when:
 - The project site has been permanently stabilized
 - All temporary E&S BMPs have been removed and
 - All PCSM SCMs have been completed per plan.
- A licensed professional certification is required on NOT.



3800-PM-BCW0405d Rev. 8/2024
PAG-02 Permit
Pennsylvania Department of Environmental Protection

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER

PAG-02
AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT FOR DISCHARGES OF
STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITIES

NPDES PERMIT NO: PAC4000

In compliance with the provisions of the Clean Water Act, 33 U.S.C. 1251 and the Clean Streams Law, as amended, 35 P.S. §§ 691.1--691.1001,

TERMINATED

(permittee) is authorized to discharge stormwater from the site known as **Paradise Estates Subdivision**, located in **Dennison Township, Luzerne County**, into **Littlefield Creek** in accordance with the effluent limitations, monitoring and reporting requirements, best management practices (BMPs), stormwater control measures (SCMs) and other conditions set forth in Parts **B** and **C** herein.

APPROVAL OF COVERAGE TO DISCHARGE UNDER THIS GENERAL NPDES PERMIT IS AUTHORIZED BEGINNING ON APRIL 7, 2025 AND WILL EXPIRE ON DECEMBER 7, 2029. WHEN THE GENERAL PERMIT IS RENEWED, REISSUED OR MODIFIED, THE FACILITY OR ACTIVITY COVERED BY THE APPROVAL FOR COVERAGE MUST COMPLY WITH THE FINAL RENEWED, REISSUED OR MODIFIED GENERAL PERMIT.

- Note: If changes were made to the PCSM Plan drawings during construction, a new PCSM recording is required with the NOT

CD/DEP Enforcement of Permit Conditions

New 2024 Permit Conditions added to DEP Chapter 102 Inspection Report.

3800-FM-BCW0271g Rev. 12/2024
Chapter 102 Inspection Report

Permit No.: _____
Report No.: _____

aa.	<input type="checkbox"/>	Failure to remove building materials and/or wastes from the site for recycling or disposal in accordance with DEP regulations as required by the permit (CSL § 402(b)).
bb.	<input type="checkbox"/>	Failure to comply with DEP regulations or the Clean Streams Law (CSL § 611).
cc.	<input type="checkbox"/>	Failure to take necessary measures to prevent pollutants from reaching waters of the Commonwealth (§ 91.34(a)).
dd.	<input type="checkbox"/>	Failure to notify DEP of new or expanded earth disturbance not identified in an NPDES permit application (§ 92a.24(b)).
ee.	<input type="checkbox"/>	Failure to notify and/or obtain authorization from DEP/CCD for changes to NPDES permitted activities (§ 92a.41(a)(12)).
ff.	<input type="checkbox"/>	Failure to minimize the extent and duration of the earth disturbance, maximize protection of existing drainage features and vegetation, and/or minimize soil compaction (§ 102.4(b)(4)).
gg.	<input type="checkbox"/>	Failure to provide notification to DEP/CCD in writing at least 3 days prior to commencing bulk earth disturbance activities as required by the permit (CSL § 402(b)).
hh.	<input checked="" type="checkbox"/>	Failure to submit a complete SCM Construction Certification Form within 30 days of the completion of SCM construction as required by the permit. (CSL § 402(b)).
ii.	<input checked="" type="checkbox"/>	Failure to submit a complete New Property Owner Notification Form to DEP/CCD for any property containing a PCSM SCM within 30 days of sale as required by the permit (CSL § 402(b)).
jj.	<input checked="" type="checkbox"/>	Failure to submit a complete annual report to DEP/CCD by the deadline established in the permit (CSL § 402(b)).
kk.	<input checked="" type="checkbox"/>	Failure of the permittee to use a qualified inspector for visual site inspections as required by the permit (CSL § 402(b)).
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Question Break



Common NPDES NOI/App Deficiencies

- Not scheduling a pre-application meeting. Reviewing PAG-02 eligibility reqs with District is important.
- E&S Plans should be separate from PCSM Plans. Municipal zoning/SALDO plans should also be separate from E&S & PCSM plans. E&S & PCSM must be Final plans, not labeled “preliminary.”
- Infiltration testing for proposed infiltration SCMs must be conducted prior to submission. Assumed infiltration rates from soil survey data, etc not acceptable for stormwater calculations.
- Erosion Potential (EP) Analysis for discharge flow paths
- PNDI / USFWS IPaC tool – If IPaC determination keys are used, carefully read determination letters to ensure further coordination is not required.



Pre-App Review for PAG-02 Eligibility

- Stormwater discharges from the project site will not drain to surface waters, including wetlands, that are classified for special protection.
 - Stormwater discharges will not enter
 - surface waters with Existing Use of High Quality (HQ) or Exceptional Value (EV).
 - surface waters with Designated Use of High Quality (HQ) or Exceptional Value (EV).
 - wetlands that are considered EV wetlands under 25 Pa. Code § 105.17.
 - **105.17 (1)(iii) Wetlands that are located in or along the floodplain of the reach of a wild trout stream or waters listed as exceptional value under Chapter 93 (relating to water quality standards) and the floodplain of streams tributary thereto**, or wetlands within the corridor of a watercourse or body of water that has been designated as a National wild or scenic river in accordance with the Wild and Scenic Rivers Act of 1968 or designated as wild or scenic under the Pennsylvania Scenic Rivers Act.
- Soils in the area of the earth disturbance are not contaminated at levels exceeding residential or non-residential medium-specific concentrations (MSCs) in 25 Pa. Code Chapter 250 at residential or non-residential construction sites, respectively, unless a site-specific standard has been met or evidence is provided that the contamination is naturally occurring or the result of widespread atmospheric deposition.
 - If excavating or infiltrating stormwater into previously mined soils, fly ash, etc., soil testing may be needed to verify PAG-02 eligibility



EV Wetland Example



Permitted Site

Little Wapwallopen Creek
Existing Use: n/a
Designated Use: CWF
Wild Trout: no

Little Wapwallopen Creek is designated as a wild trout stream approx. 8 miles downstream. Since the stream segment shown is tributary, wetlands within the floodplain are considered EV. The site shown is ineligible for PAG-02. An Individual NPDES was required.

wetland

Little Wapwallopen Creek

Erosion Potential Analysis

- An Erosion Potential (EP) Analysis is a technical evaluation of the stability of a flow path from a discharge point (DP) to a surface water or storm sewer that directly discharges to a surface water.
- DEP has developed a standardized form to document EP Analyses
- Required for during-construction and post-construction flow paths from BMP/SCM.
- Claiming no increase in volume and rate at POA not adequate.
 - Point of Analysis (POA) – common point of discharge from a project site or drainage area. Stormwater calculations modeled at POA.
 - Discharge Point (DP) – Discharge point, typically from a BMP/SCM.

3800-FM-BCW0271h Rev. 10/2024
Erosion Potential Analysis
Pennsylvania
Department of
Environmental Protection

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER

EROSION POTENTIAL ANALYSIS FOR CHAPTER 102 PERMITS

DISCHARGE POINT (DP) ID: _____ DURING FOLLOWING CONSTRUCTION
Applicant Name: _____ Project Site Name: _____

CONVEYANCE INFORMATION

Type of Conveyance:

- Existing channel/swale or other flow path that will be partially improved
 Existing channel/swale or other flow path that will not be improved

Distance to Property Boundary: _____ ft Distance to Surface Water or Storm Sewer: _____ ft

FLOW PATH INFORMATION

The entire flow path is shown on: E&S PCSM Plan Drawings

Plan Drawing No(s): _____

Description of land cover of flow path: _____

- Photographs of the flow path are attached.

Critical Section Data:

Peak discharge rate at 10-year/24-hour storm (attach calculations or model output): _____ cfs

Slope: _____ % Soil type(s): _____ Soil Erodibility (k) factor: _____

Maximum Allowable Velocity: _____ fps Source: _____

Maximum Allowable Shear: _____ psf Source: _____

Calculated Maximum Velocity: _____ fps (Attach calculations or model output)

Calculated Maximum Shear: _____ psf (Attach calculations or model output)

Source of topographic data for flow path: _____

- The flow path will be improved as described below.

Affected Landowners:

- Stormwater discharges will not flow off-site.

Landowner Name	Address	Phone No.	Email

- Landowner consent has been or will be obtained for stormwater discharges.

Name of Individual Completing Form

Date



Erosion Potential Analysis



PNNDI / IPaC

Threatened & Endangered Species Coordination



Initiating T&E species coordination early is important. NPDES permit coverage cannot be authorized until agency clearances are obtained.

2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	Conservation Measure	No Further Review Required, See Agency Comments
PA Department of Conservation and Natural Resources	No Known Impact	No Further Review Required
PA Fish and Boat Commission	No Known Impact	No Further Review Required
U.S. Fish and Wildlife Service	Potential Impact	MORE INFORMATION REQUIRED, See Agency Response

USFWS IPaC Determination Keys

- Qualifying projects may use Determination Keys (Dkeys) to generate USFWS concurrence letters instantly through IPaC.
- Concurrence letters may be confusing. Be sure to read letters thoroughly to ensure further coordination is not needed. PA projects should typically be completing the Northern Long-eared Bat and Tricolored Bat Rangewide Determination Key and/or the Northeast Endangered Species Determination Key
- Be sure to check “yes” to the Federal Nexus question when completing the Dkey. NPDES permits are federal permits. Concurrence letter will not be accurate if “no” is checked, since ESA consultation is voluntary without a federal nexus.
- Concurrence letters may not contain specific “Conservation Measures.” It’s important that applicants transfer any agreed upon avoidance/conservation measures from Dkey questions to the E&S/PCSM plans.

IPaC updates anticipated in 2026 to provide clarity



NPDES Submission Option Timeframes

Review timeframes do not include extension requests, public hearings, public comment response, or time to prepare permit docs.

		TOTAL BUSINESS DAYS
PAG-02	Standard	155
	SPEED	123
INDIVIDUAL	Standard	185
	PILOT	103
	SPEED	159

- **Individual PILOT**

- Not available in all counties
- Only for new projects
- Must meet eligibility reqs
- 2 pre-app meetings required
- Concurrent completeness & technical reviews

- **SPEED**

- Review process initiated by SPEED office
- Third-party Qualified Professional (QP) conducts reviews
- Applicant pays both QP fees and CD service fees
- Concurrent completeness & technical reviews



NPDES Submission Option Timeframes

	STANDARD		PILOT
	PAG-02	INDIVIDUAL	INDIVIDUAL
Acceptance	5 BUSINESS DAYS	5 BUSINESS DAYS	7 BUSINESS DAYS
Completeness Review	15 BUSINESS DAYS	15 BUSINESS DAYS	47 BUSINESS DAYS (CONCURRENT COMPLETENESS & TECHNICAL REVIEWS)
Applicant Response	60 CALENDAR DAYS	60 CALENDAR DAYS	
Resubmission Review	15 BUSINESS DAYS	15 BUSINESS DAYS	
Technical Review	22 BUSINESS DAYS	47 BUSINESS DAYS	
Applicant Response	30 CALENDAR DAYS	30 CALENDAR DAYS	22 BUSINESS DAYS
Resubmission Review	17 BUSINESS DAYS	22 BUSINESS DAYS	22 BUSINESS DAYS
Minor Deficiency Response	2 BUSINESS DAYS	2 BUSINESS DAYS	5 BUSINESS DAYS
Elevated Review	15 BUSINESS DAYS	15 BUSINESS DAYS	n/a
Agency Decision	Authorization / Denial	Issue / Denial	Issue / Return
Time in CD/DEP's control	74	104	76
Time in Applicant's control*	81	81	27
TOTAL	155	185	103

*calendar days converted to business days

	SPEED	
	PAG-02	INDIVIDUAL
SPEED Office presents applicant with QP	10 BUSINESS DAYS	10 BUSINESS DAYS
QP Initial Review (concurrent completeness & technical review)	16 BUSINESS DAYS	23 BUSINESS DAYS
CD or DEP review of QP's work	5 BUSINESS DAYS	5 BUSINESS DAYS
Deficiency correction period	60 CALENDAR DAYS	60 CALENDAR DAYS
QP resubmission review	8 BUSINESS DAYS	12 BUSINESS DAYS
CD or DEP review of QP's work	5 BUSINESS DAYS	5 BUSINESS DAYS
Elevated Review	37 BUSINESS DAYS	62 BUSINESS DAYS
Agency Decision	Authorization / Denial	Issue / Denial
Time in SPEED office control	10	10
Time in CD/DEP/QP control	34	45
Time in Applicant's control*	79	104
TOTAL	123	159

*calendar days converted to business days



Streamlining Permits for Economic Expansion and Development (SPEED)
 "Keeping Pennsylvania moving at the speed of business"

E&S Program Contact Info

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Keith George

Deputy Director
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QUESTIONS?

