

# In the Zone

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## New Rules for NPDES General Permits Are in Effect

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The PAG-02 NPDES General Permit expired at midnight on December 7, 2009. Effective 12:01 a.m. December 8, 2009, the department reissued the PAG-02, 2009 Amendment NPDES General Permit. You can read more in the department's fact sheet [here](#).

The major changes to the PAG-02, 2009 Amendment of the NPDES General Permit are:

- The PAG-02 will be reissued for a two-year time period. The EPA has recommended that this PAG-02 renewal be of shorter duration in light of the issuance of the final "Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category," proposed November 28, 2008 (73 FR 72,561), applicable to this category of NPDES discharges, and in anticipation of finalization of revisions to Pennsylvania's Chapter 102 Erosion and Sediment Control and Stormwater Management regulations proposed in the Pennsylvania Bulletin 39 Pa.B. 5131 (August 29, 2009). The department agrees and it is publishing this renewal for two years rather than five. PAG-02, 2009 Amendment will expire at midnight on December 7, 2011. An applicant's authorization will commence on the date of approval of coverage and will be valid for a two-year time period.

- Two new conditions for when the PAG-02 may not be used have been added to the permit:
  - (1) Discharges to surface waters identified as impaired waters where the proposed discharge will result in a net change (pre-condition to post condition) in volume or rate or water quality of the stormwater.
  - (2) Persons are not eligible for coverage under this permit for discharges of pollutants of concern to waters for which there is a total maximum daily load (TMDL) established or approved by the EPA unless the E&S and PCSM plans include implementation measures or controls that are consistent with the assumptions and requirements of such TMDL. To be eligible for coverage under this general permit, persons must implement conditions applicable to their discharges necessary for consistency with the assumptions and requirements of such TMDL. If a specific wasteload allocation has been established that would apply to the discharge, persons must implement necessary steps to meet that allocation.
- New requirements have been added for permit modification, termination or revocation and reissuance.
- The general permit will expire two years from the date of its issuance. The department will publish a notice in the Pennsylvania Bulletin of the draft, renewed or reissued general permit or of any amendments to this general permit, and after a comment period, notice of the final, renewed, reissued or amended general permit will be published in the Pennsylvania Bulletin.
- Any person with an unexpired approval of coverage under the general permit shall be responsible for complying with the final renewed, reissued or amended general permit. Such persons shall be covered by the general permit even if the discharger has not submitted a separate NOI to be covered by such final renewed, reissued or amended general permit. Such person may request coverage under an individual permit.
- In addition, the department has added a new form related to the PAG-2, which is the "Visual Inspection" form. One of the PAG-2 permit conditions requires that a visual inspection be conducted weekly and after each measurable rainfall event. It is the responsibility of the permittee and co-permittee(s) to ensure that this inspection is performed. The new form can be viewed [here](#).

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