

2.7 PWD and Pennsylvania Department of Environmental Protection

This Section outlines the circumstances in which the Philadelphia Water Department (PWD) and the Pennsylvania Department of Environmental Protection (PA DEP) jointly review projects, as well as other circumstances in which reviews are conducted entirely by PA DEP. PWD does not determine what State permits apply to a development project. This is the responsibility of the applicant, who should contact PA DEP directly with any questions.

Please note that projects that are exempt from PA DEP Permit Requirements (such as projects receiving ACOE 404 Permits for Wetlands Mitigation) are not necessarily exempt from the **PWD Stormwater Regulations** water.phila.gov/development/stormwater-plan-review/manual/appendices/c-pwd-stormwater-regulations/ (Stormwater Regulations). The applicant may consult **Section 1.1** water.phila.gov/development/stormwater-plan-review/manual/chapter-1/1-1-applicability-factors for more information on Applicability Factors and contact PWD with any questions.

2.7.1 National Pollutant Discharge Elimination System Permits

Most projects proposing more than one acre of earth disturbance are subject to both the General (PAG-02) National Pollutant Discharge Elimination System (NPDES) Permit or Individual NPDES Permit for Stormwater Discharges Associated with Construction Activities and the Stormwater Regulations (or stormwater management design criteria for Stormwater Retrofits). NPDES Permits for land development in Philadelphia are issued by PA DEP, not PWD. The applicant must send NPDES Permit Applications to the PA DEP Southeast Regional Office in Norristown, PA. The applicant should contact PA DEP directly with questions concerning NPDES Permits. Municipal Notifications (such as those required under PA Acts 67, 68, and 127 of 2000) should be sent to the [Philadelphia City Planning Commission](http://www.phila.gov/departments/philadelphia-city-planning-commission/) (PCPC) with the PWD project tracking number listed on all notifications.

PWD recommends that NPDES Permit Applications are submitted concurrently to PA DEP with the Post-Construction Stormwater Management Plan (PCSMP) Review Phase Submission Package ([Section 2.3](http://water.phila.gov/development/stormwater-plan-review/manual/chapter-2/2-3-review-phases)) to PWD. Instructions for completing the NPDES Permit Applications should be obtained directly from PA DEP. However, the applicant may use the following general guidance when preparing and submitting a NPDES Permit Application:

- If the applicant is applying for a phased NPDES Permit, the phases listed under Section C.4 must match the order of phases submitted to PWD under individual project tracking numbers. The applicant is referred to [Section 2.1.1](http://water.phila.gov/development/stormwater-plan-review/manual/chapter-2/2-1-existing-resources-and-site-analysis/#2.1.1) for information on PWD Stormwater Plan Review’s project tracking numbers.
- The applicant must provide matching plans and reports to both PWD and PA DEP.
- If the applicant is requesting a waiver from PWD’s infiltration requirement due to on-site contamination ([Section 3.3](http://water.phila.gov/development/stormwater-plan-review/manual/chapter-3/3-3-infiltration-testing-and-soil-assessment-for-smp-design)), the applicant must also submit this waiver request to PA DEP for review as part of the NPDES Permit Application.
- Stormwater Retrofits are subject to NPDES Permits if they propose more than one acre of earth disturbance. Most Stormwater Retrofit projects may be classified as “Site Restoration” projects by PA DEP.

In addition to comments received by PWD, comments the applicant receives from PA DEP must also be incorporated into the PCSMP and Erosion and Sediment Control (E&S) Plans for PWD Stormwater Plan Review and Stormwater Billing and Incentives to issue PCSMP Approval. PCSMP Approval is a prerequisite for receiving a NPDES Permit. However, PWD Stormwater Plan Review and Stormwater Billing and Incentives will not issue PCSMP Approval until receiving confirmation from PA DEP that there are no outstanding comments with the NPDES Permit review.

More information on PA DEP's NPDES Permit Application process and requirements can be found at the following resources:

- **PA DEP website** <http://www.dep.state.pa.us/>
- **Erosion and Sediment Control requirements (25 Pa. Code §102.4)** https://www.dep.pa.gov/Business/Water/CleanWater/StormwaterMgmt/Stormwater%20Construction/Documents/025_0102.pdf?Mobile=1&Source=%2FBusiness%2FWater%2FCleanWater%2FStormwaterMgmt%2FStormwater%20Construction%2F_layouts%2Fmobile%2Fdispform.aspx%3FList%3D3410853f-0390-4a35-bedc-bbdc3c7e7b3f%26View%3D48587e7e-e442-4559-bbdf-9534ba0aba5e%26ID%3D8%26CurrentPage%3D1
- **NPDES Permit Application Notice of Intent (NOI) Instructions and *Completeness Review Checklist*** <https://www.dep.pa.gov/Business/Water/CleanWater/StormwaterMgmt/Stormwater/Pages/NOIApplication.aspx>

2.7.2 Other PA DEP Requirements

There are circumstances in addition to NPDES Permits for construction activities in which PA DEP review may be required for a project proposed in Philadelphia. These may include projects that are exempt from NPDES Permit Requirements but are still required to have an E&S Plan approved by PA DEP per 025 Pa. Code §102. This also includes projects that propose a new discharge to a water body or that propose activities within regulated waters of the Commonwealth as defined in 025 Pa. Code §105. The applicant is responsible for determining which State requirements apply to their project and is encouraged to contact PA DEP directly with any questions.

Land Recycling and Environmental Remediation Standards Act (Act 2)

Some development and Stormwater Retrofit projects may be affiliated with Act 2, which promotes voluntary remediation of contaminated sites for reuse and can preserve undeveloped land and reduce costs associated with building new infrastructure. Development and Stormwater Retrofit projects that are currently open under Act 2 will need to work with PA DEP directly regarding contamination cleanup requirements. Projects that have previously undergone remediation work under Act 2 will need to confirm that any proposed development or Stormwater Retrofit project work does not interfere with the remediation actions on the site. Contamination on site, identified during Act 2 remediation work, should be avoided when possible. The applicant is responsible for meeting any remediation requirements for work within contaminated areas.