

What are the responsibilities of local governments?

Any municipality that issues building permits is required to notify the District within 5 days of receipt of an application involving an earth disturbance activity greater than 1 acre.

Per Ch. 102.43, with the exception of local storm-water approvals, a municipality may not issue a building permit or other approval to a project that requires NPDES permit coverage until that coverage is obtained.

What if the plans approved by a municipality are different than those approved by the District?

In many cases, site plans will require revisions after the District review. Often these changes are not brought to the attention of the municipality or the District. It is important that the District and the municipality are working from the same plans, and that all work is completed according to the final, approved set of plans. Pre-construction meetings are a good chance to ensure that all entities are working from the same set of plans.

Where can I get more information?

Additional information about the various programs with which the District is involved, please visit our website at:

www.montgomeryconservation.org

How does demolition relate to NPDES?

Demolition of existing structures does not necessarily qualify as earth disturbance. If the building pad or foundation remains, and the debris can be taken away without exposing bare soil, the activity does not fall under Ch. 102. If bare earth is uncovered during demolition on a NPDES permitted site, it should be considered part of the permitted project and needs permit coverage prior to the earth disturbance. Any demolition that involves asbestos removal requires notification to DEP.

How does bridge repair relate to NPDES?

The area that has coverage under a Ch. 105 permit does not need to be included when calculating area of disturbance for the NPDES permit.

How does roadwork relate to NPDES?

Road maintenance activity that does not go below the stone base exposing the soil surface, does not need to be counted as disturbed area for the NPDES permit.

If NPDES coverage is required, The 102.8(g) (2)(i) requirement that states 20% of the existing impervious surfaces must be considered meadow in the pre-condition does not apply to the area of roadway repair, reconstruction, or restoration. It does, however, apply to any proposed roadways.



Montgomery County Conservation District

Chapter 102 FAQ Document

for Municipalities

143 Level Road
Collegeville, PA 19426
(610) 489-4506
www.montgomeryconservation.org

How do Act 167 plans relate to Stormwater Management plans required by NPDES?

Post-Construction Stormwater Management (PCSM) Plans that meet the requirements of an Act 167 plan approved by DEP after January 2005 can be used in lieu of a PCSM plan which meets the requirements of 102.8. A letter from the municipality which states that the project is consistent with the Act 167 plan with regards to water quality, volume of stormwater generated, and the runoff rate must be included in the submission.

Montgomery County Conservation District (the District) will review BMP Worksheets 1-5 to determine compliance with Ch. 102.8, which sets the minimum requirements to obtain coverage under an NPDES Permit.

Which complaints will the District address?

The District will address complaints regarding Erosion and Sedimentation (E&S) issues on active construction sites of any size. Stormwater complaints on NPDES Permitted sites involving active earthmoving will also be investigated by the District. Stream or wetland encroachment complaints should be directed to the Southeast Regional Office of DEP, as should dust complaints and complaints regarding hazardous or toxic materials.

What are the requirements for projects that disturb less than 1 acre?

Earth disturbance activities that disturb less than 5000 sq. ft. are required to have BMP's in place to protect waterways from accelerated erosion and sedimentation. Projects disturbing between 5000 sq. ft. and 1 acre, or any disturbance in a special protection (High Quality or Exceptional Value) watershed are required to have a written erosion control plan available on site, and the BMP's on the plan must be implemented and maintained.

The District will also review the erosion control plans of projects involving less than 1 acre at the request of the applicant, the municipality, or if another DEP permit requires our review.

Are municipalities required to pay fees for plan reviews?

Yes. Municipalities and municipal entities such as sewer authorities are required to pay review fees, NPDES Clean Water Fund fees, and the DEP disturbed acre fee. Please refer to the latest edition of the District Application for our current fee schedule.

Where can I find out which Resource Conservationist handles my municipality?

The District Resource Conservationists are in charge of specific territories. This helps maintain consistency throughout the construction project. To find out who is responsible for a specific territory, please visit the "Staff" page of our website, under the "About Us" section.

How can MCCD help us fulfill our MS4 Requirements?

The District conducts E&S and PCSM reviews for construction projects that involve greater than 1 acre of disturbance to determine compliance with the Ch. 102 Regulations and administers the NPDES Permit for Stormwater Discharges Associated with Construction Activities program under a delegation agreement with DEP. A municipality can use our reviews to help satisfy the requirements of MCM-4 (Construction Site Stormwater Runoff Control) and MCM-5 (Post-Construction Stormwater Management) through the use of a Memorandum of Understanding (MOU) with the District.

How can our municipality help the District?

By requiring additional funds be held until the PCSM BMP's are proven functional and the Notice of Termination is acknowledged by the Conservation District, municipalities can help to determine that the site is permanently stabilized, PCSM BMP's are installed and functional, and all other permit conditions have been met, keeping the applicants in compliance with their permits.

How can a municipality be sure that a NPDES permit is still valid?

The face sheet of a NPDES Permit includes the expiration date. A requirement of the permit is to have a copy available at the site at all times. If you are in doubt, you may contact the District and speak with the Resource Conservationist that handles your municipality.