

Pennsylvania DEP issues new PAG-03 industrial stormwater general permit. Affected facilities must submit a Notice of Intent by March 23, 2023.

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Many industrial facilities in Pennsylvania are subject to the Pennsylvania Department of Environmental Protection's (PA DEP) general permit for industrial stormwater discharges. This permit generally applies to industrial facilities in Pennsylvania that discharges stormwater – such as rainwater or snow melt – to a river, stream or wetland. It does not apply to stormwater discharges to a municipal sewer system or to facilities that have a site-specific individual discharge permit. PA DEP has now issued an updated general permit for industrial stormwater discharges. **All facilities operating under the existing/prior general permit must submit a Notice of Intent for coverage under the new general permit by March 23, 2023.** Failure to do will place an affected facility into non-compliance.

The new version of the general permit – known as the Pennsylvania National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Stormwater Associated with Industrial Activity, and commonly referred to as the PAG-03 General Permit – was issued on December 24, 2022. The new permit includes several significant changes from the prior version of the permit, including new requirements for monitoring and Corrective Action Plans. Affected facilities will need to ensure they update their compliance programs to accommodate the new requirements.

The current (2016) PAG-03 General Permit was initially set to expire on September 23, 2021, however PA DEP twice administratively extended the permit as it worked to draft and finalize a renewed permit. The administrative extension allowed current permittees to continue operating under the existing permit, but facilities wishing to obtain new coverage were not authorized to do so and were instead instructed to obtain a more costly and administratively complex individual NPDES permit. As such, the general permit renewal is welcome news to facilities wishing to establish new coverage under the PAG-03 General Permit but previously prevented from doing so during PA DEP's administrative extension of the permit term.

The long awaited renewed PAG-03 General Permit will become effective on March 24, 2023 and expire on March 23, 2028. As such, existing facilities operating under the current (2016) PAG-03 General Permit, including those with a No Exposure Certification, may continue to operate under that permit through March 23, 2023, but must submit a Notice of Intent (NOI) for coverage under the renewed permit prior to March 24, 2023. A facility's NOI and associated documents must be timely submitted to the PA DEP regional office that has jurisdiction over the county where the facility is located. Facilities have the option of submitting their NOI materials online through PA DEP's OnBase Electronic Forms Upload tool or by mail. Facilities needing to obtain renewed coverage under the recently issued PAG-03 General Permit should begin working on the NOI form now, to ensure that all necessary required information can be collected and timely submitted.

The attorneys in Eckert Seamans' Environmental Practice Group can assist you in answering questions about your facility's obligations under the new PAG-03 General Permit and in preparing your NOI materials for submission.