



Fact Sheet

Commonwealth of Pennsylvania • Department of Environmental Protection

OFF-SITE DISCHARGES OF STORMWATER TO AREAS THAT ARE NOT SURFACE WATERS

Both construction and post construction stormwater runoff is to be managed through project layout design and best management practices (BMPs) to replicate the volume, rate and quality of predevelopment conditions. Some sites, after consideration of possible project design and BMP options do not have direct access to surface waters to discharge stormwater runoff. Applicants for National Pollutant Discharge Elimination System (NPDES) Permits for stormwater discharges associated with construction activities may propose off-site discharges of stormwater to areas that are not surface waters. In these cases the applicant must have the authority, legal or otherwise, to discharge stormwater onto off-site areas. In addition, the applicant must provide documentation that the discharge will not cause accelerated erosion or stormwater damage on the adjacent properties. This documentation is required with the permit application showing that the applicant has avoided, minimized or mitigated accelerated erosion and stormwater impacts.

Off-Site Discharge Analysis for Developers

Responses to the following items will assist the applicant in evaluating the legal authority to discharge stormwater to off-site areas that are not surface waters and assist in demonstrating that no accelerated erosion or damage from stormwater will occur.

1. Obtain the names and addresses of all property owners directly receiving stormwater from the project that is not discharged to a surface water;
2. Evaluate stormwater flows (frequency and amount) onto these properties prior to the construction of the project;
3. Evaluate the nature and scope of all changes to the natural drainage characteristics for all stormwater discharged during construction and after construction is completed;
4. Evaluate the volume, rate, and frequency of pre-construction, construction and post construction stormwater discharges from the project and the means of flow onto the adjoining properties; and

5. Evaluate the legal authority for the flow of water across the adjoining properties. This may include a common law easement, express flowage easements, drainage easements or other legal authorizations.

Demonstrating that no Accelerated Erosion or Damage from Stormwater will Occur

No matter what type of authorization for easements the applicant obtains for off-site discharges of stormwater, they need to document that the construction and post construction stormwater discharge to areas other than surface waters will not cause accelerated erosion or damage to down slope or adjacent properties. Applicants should use guidance from the Erosion and Sediment Pollution Control Program Manual (Document #363-2134-008) and the Pennsylvania Stormwater Best Management Practices Manual (Document #363-0300-002) when developing the following information with their NPDES permit applications:

- On the plan drawings, identify all property and property owners that may directly receive off-site stormwater discharges from the project site.
- On the plan drawings, identify the flow path from discharge point to the confluence with a surface water of the commonwealth. In addition, identify the soil types, erodibility factors and vegetative cover of the flow path.
- Provide documentation that the proposed volume and rate discharging to the flow path does not exceed the pre-construction volume and rate that discharged to the flow path.
- In the written narrative portion of the plans, provide an analysis that demonstrates how the applicant has avoided, minimized, or mitigated stormwater discharges to not cause accelerated erosion or damage to the down slope or adjacent properties.

For more information, visit DEP's Web site at www.depweb.state.pa.us, keyword: Stormwater,
or contact:

PERMITTING AND TECHNICAL SERVICES SECTION	COUNTY RESPONSIBILITY	PERMITTING AND TECHNICAL SERVICES SECTION	COUNTY RESPONSIBILITY
Northcentral Regional Office 208 W. Third St., Suite 101 Williamsport, PA 17701 570-327-3574	Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union	Southcentral Regional Office 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4700	Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York
Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18711-0790 570-826-2511	Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5970	Bucks, Chester, Delaware, Montgomery and Philadelphia
Northwest Regional Office 230 Chestnut Street Meadville, PA 16335 814-332-6984	Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren	Southwest Regional Office 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000	Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland

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