

**STORMWATER – NPDES PHASE II**

**PAG-2 and NPDES Phase II Requirements for Construction Activities**

<b>Disturbed Area</b>	<b>Written E&amp;S Plan</b>	<b>E&amp;S Plan Approval</b>	<b>NPDES SW Construction Permit</b>	<b>PCSM Submitted</b>	<b>PCSM Approval</b>
<b>0 to 5000 Sq. Ft.</b>	<b>Not required unless in HQ or EV or for other DEP permit requirement (i.e.: Chapter 105)</b>	<b>Not required but may be a municipal requirement**</b>	<b>No</b>	<b>Not required but may be a municipal requirement</b>	<b>Not required but may be a municipal requirement</b>
<b>5000 Sq. Ft. to less than 1 acre</b>	<b>Yes</b>	<b>Not required but may be a municipal requirement**</b>	<b>No</b>	<b>Not required but may be a municipal requirement</b>	<b>Not required but may be a municipal requirement</b>
<b>1 or more acres</b>	<b>Yes</b>	<b>Required</b>	<b>Yes***</b>	<b>Yes</b>	<b>Individual YES General NO*</b>

**\*NOTE:** If the permitted activity is in an MS4 municipality, the municipality must ensure the approval of the PCSM (Post Construction Stormwater Management) plan. The applicant should send the PCSM plan to the MS4 municipality along with the municipal notification. Even where the approval of the PCSM is not required, the permittee must develop and implement the PCSM and certify that the BMPs were implemented in accordance with the PCSM plan when the NOT (Notice of Termination) is submitted.

**\*\* Although E&S (Erosion and Sediment Control) plan approval is not required under Chapter 102 for these activities, E&S approval may be required by municipal ordinance or if other DEP permits are required (i.e.: Chapter 105 Joint Permit or GPs (General Permits.))**

**\*\*\* Excluding agricultural plowing and tilling, animal heavy use areas, timber harvesting (unless preparing a site for future land development), road maintenance activities, an earth disturbance activity covered under another DEP permit (which includes requirements to comply with Chapter 92 NPDES requirements) or covered under Section 404 of the Federal Clean Water Act which are not required to obtain an NPDES permit. Timber harvest and road maintenance activities involving 25 acres or more of earth disturbance are required to obtain an E&S permit. Oil & gas activities involving 5 acres or more of earth disturbance are required to obtain an E&S permit.**

Updated 11/18/10