



GUIDE TO PERMITS FOR LAND DEVELOPMENT

PA Department of Environmental Protection (DEP)
Southeast Regional Office
2 East Main Street
Norristown, PA 19401

Serving: Bucks, Chester, Delaware and Montgomery and Philadelphia Counties

This guide outlines permits that may be required from DEP for residential, commercial or industrial land development or redevelopment. It is important to submit all required permit applications early enough to allow sufficient time for our review before your expected construction date. Our permit coordination policy generally requires that all permits related to the same project be released simultaneously to ensure a thorough environmental review and consistent department action. For more specific application information and design manuals, please contact the appropriate program number listed.

If you are proposing a major or controversial facility, we strongly recommend you first contact the local municipal officials to advise them of your proposed project and work with them and your prospective neighbors to address concerns up front in planning for and designing of your project. We also encourage you to contact us to schedule a pre-application conference, particularly when multiple permits will be involved.

For assistance in determining what permits may be required, or for arranging pre-application conferences, please contact John Kennedy, the Assistant Regional Director at (484) 250-5940.

SEWERAGE FACILITIES: Water Management, Planning Section (484) 250-5970

The procedure for approval of sewerage facilities may involve several steps. First you must obtain planning approval of the amendment to the municipalities Sewage Facilities Plan under PA Act 537. Certain planning modules for land development must be submitted through the municipality to the regional office. We recommend that you contact the local health department for projects in the counties of Bucks (215-343-2800), Chester (610-431-6225), Montgomery (610-278-5117). For projects in the City and County of Philadelphia, contact Leonard Bernstein with the Philadelphia Water Department (215-685-6367) in Philadelphia County. Contact the Water Management Planning Section in DEP's Southeast Regional Office for projects in Delaware County.

Please note that permits for construction of on-lot subsurface sewage disposal systems handling less than 10,000 gpd are approved by the county health departments for projects in Bucks, Chester, Montgomery and Philadelphia counties, and by the local municipalities in Delaware County. However, you must obtain planning approval under Act 537 before a permit can be issued.

For publicly owned sewage facilities, a construction permit is required for new sanitary sewer systems, extensions to existing sewer systems serving more than 250 equivalent dwelling units (about 66,000 gpd), and for interceptors and pumping stations. A permit is also required for privately owned sanitary sewers if the facilities will serve more than 250 equivalent dwelling units. If the facilities are to be dedicated to the local municipality or authority, the application must be submitted in the name of the municipality or authority. If proposed sewerage facilities will involve a direct discharge to surface waters, a Part I NPDES permit application must be submitted after approval of the amendment to the local municipality's Sewage Facilities Plan. Upon issuance of the Part I NPDES permit, the final step is to submit a Part II application to construct and operate the facilities. If the proposed discharge is greater than 50,000 gpd, the Delaware River Basin Commission (DRBC) must also approve the project.

PUBLIC WATER SUPPLY: Water Supply Management (484) 250-5970

No permit is required for the extension of water mains. A permit is required if a water supply source is to be provided either as an additional source of supply or as a new source of supply for a municipality, authority or water company serving 15 or more connections or 25 or more people year round. The permit application must be in the name of the entity that will eventually own and operate the water supply. For proposed water supply wells, it is important that we be contacted to conduct a site inspection prior to drilling the well, and also to collect samples during the required 48 hour pumping test. For projects located in Bucks County, requests for a site investigation and sample collection and submission of the permit application must be made to the Bucks County Health Department. The Delaware River Basin Commission will also be involved in approval of any well involving a withdrawal of 100,000 gpd or greater, or involving a withdrawal of 10,000 gpd or greater in the designated groundwater protected area of southeastern Pennsylvania.

NPDES PERMITS for Discharges Of Stormwater From Construction Activities: Water Management, Soils and Waterways Section (484) 250-5970**EROSION CONTROL**

For all earth disturbance activities exceeding 5000 square feet, an adequate erosion and sediment control (E&SC) plan must be properly designed and implemented, and it must be available on site. The plan must show how the land is to be protected against accelerated erosion through the use E&SC Best Management Practices (BMPs). Examples of E&SC BMPs include: silt fence, mulch, diversion ditches, sediment traps and basins, and the planting of grasses or similar vegetation. The plan must show the site, location of the BMPs, and timing and sequence of their installation for maximum erosion control. The county conservation district can provide guidance to anyone developing a Plan. Once completed, the plan is submitted to the conservation district for review. For earth disturbance activities less than 5000 square feet, a plan is normally not required, but the appropriate BMPs are still required to be implemented.

Projects disturbing one or more acres must obtain authorization through a National Pollutant Discharge Elimination System (NPDES) Permit for Stormwater Discharges Associated with Construction Activities before beginning any earth disturbance activity. Possible exceptions to these permitting requirements include activities for agricultural plowing and tilling, timber harvesting, roadway maintenance activities and projects with less than 5 acres of disturbance which can clearly demonstrate that there will not be a point source discharge to a surface water. There are two levels of NPDES Construction Permitting: (1) A PAG-2 General NPDES permit and (2) An Individual NPDES Permit. An Individual Permit is required whenever the site drains to a high quality (HQ) or exceptional value (EV) stream, as defined by Chapter 93 of DEP's regulations, or if the project has the potential to discharge toxic substances into waters of the Commonwealth (i.e. Superfund sites, brownfields, etc.) or if the applicant has a history of non-compliance. In most other circumstances, a General Permit is suitable. Agricultural plowing and tilling activities are exempt from permit requirements, but still require the development of a conservation plan, which specifies the implementation/maintenance of BMPs.

POST-CONSTRUCTION STORMWATER MANAGEMENT

In addition to an E&SC Plan, a Post-Construction Stormwater Management (PCSWM) Plan is required for all construction activities requiring an NPDES Permit. The PCSWM Plan will need to include PCSWM BMPs designed to maximize infiltration technologies, minimize point source discharges to surface waters, preserve the integrity of stream channels and protect the physical, biological and chemical qualities of the receiving waters. Contact the regional office or local county conservation district for more details. This plan will need to be submitted with the permit package and will be reviewed in some capacity. PCSWM Plans for Individual Permits in HQ/EV Watersheds will received a detailed technical review by the regional office.

DAM SAFETY: Bureau of Waterways Engineering, Division of Dam Safety (717) 787-8568

A Dam Safety Permit is needed for any dam where: 1) the maximum depth of water stored behind the dam exceeds 15 feet; 2) the contributory drainage area upstream exceeds 100 acres, or 3) the maximum storage capacity of the dam exceeds 50 acre-feet. These applications are processed at DEP headquarters in Harrisburg. For dams that do not meet these criteria, but are proposed across a watercourse or a wetland, an Environmental Assessment Approval is required for the environmental impacts associated with a non-jurisdictional Dam. This approval is processed in the regional office. These approvals are coordinated with other Department Permits, if needed.

WATER OBSTRUCTIONS AND ENCROACHMENTS: Water Management, Soil and Waterways Section (484)250-5970

Water Obstructions and Encroachments are regulated under Chapter 105 and Chapter 106 relating to *Dam Safety and Waterway Management* and *Flood Plain Management*, respectively. Regulated activities include bridges, culverts, headwalls, utility crossings, stream relocations, channel changes, stream bank stabilization, and other actions which affect a stream, watercourse, or wetlands. The Department currently implements a Joint Permitting Program with the U.S. Army Corps of Engineers (215-656-6728) for many of these activities. A Joint Water Obstructions and Encroachment Permit is needed if the proposed work will change, expand, or diminish the course, current or cross-section of a stream, or if the work is located in, along, or projecting into any stream, watercourse, floodway, body of water or wetland. Certain activities may qualify for a General Permit. Go online at: www.dep.state.pa.us Navigation: [Home](#) | [Permit and Authorization Packages](#) | [Program-Specific Permit/Authorization Packages](#) | [Office of Water Management](#) | [Water Obstruction & Encroachment & Wetlands](#) to obtain information related to Water Obstruction and Encroachment Permits. Find the Chapter 105 Regulations at www.pacode.com/secure/data/025/chapter105/chap105toc.html. If you still have questions, you may contact the Soils and Waterways Section at the above number.

INDUSTRIAL WASTE: Water Management, Permits Section (484)250-5970

A Part I NPDES permit is required for any discharge of industrial waste (process wastewater, cooling water, blow-down, etc.) to surface waters. A Part II construction permit is required for construction and operation of treatment facilities (except pretreatment facilities which discharge to a public sewer system); discharges to groundwater, and storage impoundments containing polluting materials.

MUNICIPAL, RESIDUAL OR HAZARDOUS WASTE: Waste Management Program (484-250-5960)

There are a number of permits required for various waste handling operations, including individual permits, general permits and permits-by-rule. (**Note: Construction/demolition materials are considered a waste and must be handled and disposed of properly.**)

AIR EMISSION SOURCES: Air Quality Program (484-250-5920)

Plan Approvals may be required for the installation of air contamination sources. A **Request for Determination** with emission estimates can be submitted to determine if plan approval(s) are required. A list of permit exemptions (document 275-2101-003) can be found on DEP's web site at: <http://www.dep.state.pa.us/dep/deputate/airwaste/aq/permits/planappr.html>

Note: for projects in the City of Philadelphia, contact the Philadelphia Department of Health, Division of Air Management Services at (215) 685-7572 for air permitting information.

LAND RECYCLING PROGRAM (PA ACT 2): Environmental Cleanup Program (484-250-5960)

DEP regulations adopted under Act 2 establish cleanup levels for soil and groundwater. When developing potentially contaminated property, it is common to conduct an environmental assessment. In cases where the assessment finds contaminant concentrations in excess of Act 2 standards, the Land Recycling Program provides a process to perform any needed remedial actions and receive liability protection. The program also offers Buyer/Seller agreements for use when contaminated property is to be sold prior to the completion of cleanup. Under these agreements, the Seller is required to complete needed remedial actions and the Buyer receives liability protection for past contamination identified at a property. Special provisions apply in designated Special Industrial Areas and Keystone Opportunity Zones. For further information go to the DEP website at <http://www.dep.state.pa.us/> and enter the Keyword “land recycling”.

Brownfields Action Team (BAT): The BAT is responsible for expediting the remediation, reclamation, reuse and redevelopment of brownfields and abandoned mine lands. The team manages and coordinates funding for high priority and reuse projects. The team coordinates both remediation and program development activities and permitting related to redevelopment projects. For more information on the BAT program go to the DEP website at <http://www.dep.state.pa.us/> and enter the Keyword “brownfields”. A BAT project should have a local government sponsor and a developer with a redevelopment plan in place who and is ready to proceed with the cleanup and redevelopment of the property.

STORAGE TANK REGISTRATION/PERMITTING: Environmental Cleanup Program (484-250-5960)

The Storage Tank and Spill Prevention Act of 1989 established a regulatory program for both aboveground and underground storage tanks and facilities. Permit requirements apply to certain types of aboveground and underground tanks. For additional information go to the DEP website at <http://www.dep.state.pa.us/> and enter the Keyword “tanks”.