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Topics Covered

- **Permit Decision Guarantee (PDG) – Executive Order 2012-11**
- **Administrative Completeness Reviews**
- **Review Procedures (SOPs)**
- **Off-site Discharges & Drainage Easements**
- **Homeowner Notifications & Signature Requirements**
- **New Guidance on Major & Minor Amendments**

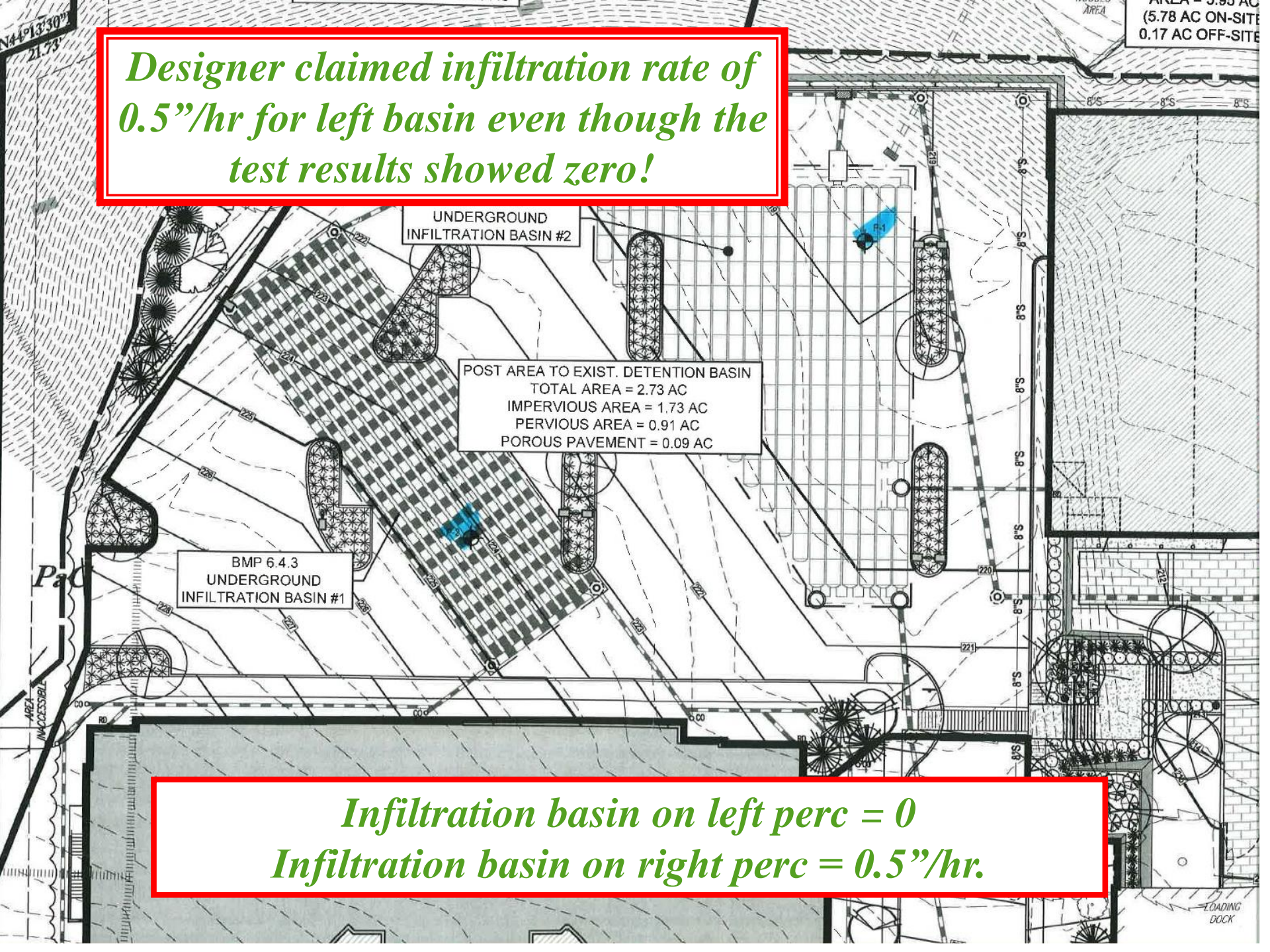
Permit Decision Guarantee (PDG)

- ▶ NPDES General Permits - within 71 business days of complete application
- ▶ NPDES Individual Permits - within 107 business days of complete application
- ▶ BUT.....any deficiencies void PDG
- ▶ Suggest scheduling & attending pre-application meetings

Administrative Completeness Reviews

- ▶ Fees must be correct before reviews are conducted
- ▶ Complete application package with “technical competency”
- ▶ 7-page checklist provided with the Notice of Intent (NOI) - permit application
- ▶ Look for “big-ticket” items such as soil testing vs. BMP design elevations & calculations

Designer claimed infiltration rate of 0.5"/hr for left basin even though the test results showed zero!



*Infiltration basin on left perc = 0
Infiltration basin on right perc = 0.5"/hr.*

MCCD Review Procedures (NPDES General Permit)

Follow DEP's SOP:

- **Completeness Review (15 business days) - try to address big ticket items in completeness review**
- **1st Technical Review (22 business days)**
- **2nd Technical Review (17 business days)**
- **3rd Technical Review (elevated review or withdrawal?)**
- **Applicant has 60 Calendar days to respond to all reviews**
- **One 60-day extension may be granted to respond to both admin or technical reviews (must have a valid reason)**

MCCD Review Procedures (NPDES Individual Permit)

Follow DEP's SOP:

- **Same as General Permit except:**
- **1st Technical Review (47 business days)**
- **2nd Technical Review (22 business days)**

NPDES Permit

- ▶ Who has actually read the entire NPDES Permit?
- ▶ 45-day PCSM Plan recording requirement
- ▶ 90-day notification requirement
- ▶ NOT requires as-built drawings be recorded
- ▶ Be sure to add co-permittees as required - share the liability!

Landowner Signatures

- ▶ Required for recording purposes
- ▶ Creates problems recording as-builts!
- ▶ Sale Agreement - consider adding contractual language requiring them to sign for as-built recording purposes
- ▶ **Good News! - Appendix C no longer requires landowner signatures**

Off-Site Discharges

- ▶ New Chapter 102 Off-Site Discharges of Stormwater to Non-Surface Waters - Frequently Asked Questions (FAQ) - January 2, 2019

- ▶ NOI, Section D, #5:

5. Off Site Discharge Analysis

Does the project propose any off-site discharges to areas other than surface waters? Yes No

If yes, the applicant must have appropriate easement that provides the legal authority for this off-site discharge. In addition, applicant must provide a demonstration in both the E&S and PCSM plans that the discharge will not cause erosion, damage, or nuisance to off-site properties.

- ▶ Question: Are your consultants helping you understand drainage easement requirements?

Basin riser blowout due to lack of following the plan requirements



**Resulting runoff pushed on neighboring fence
with enough force to break the 4x4 post**

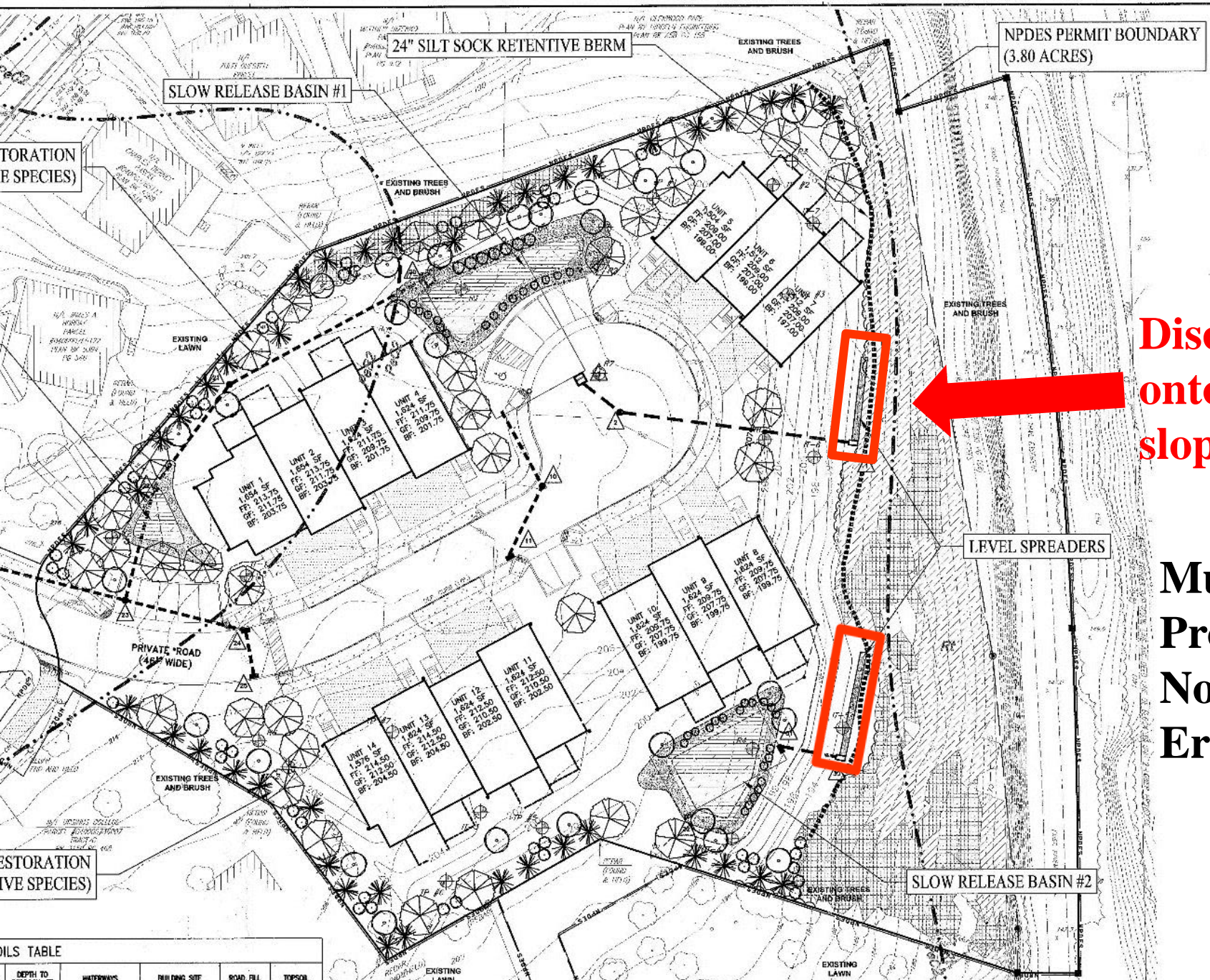


Flooded Downstream Property



Second Flooded Property





NPDES PERMIT BOUNDARY
(3.80 ACRES)

SLOW RELEASE BASIN #1

24" SILT SOCK RETENTIVE BERM

RESTORATION
(NATIVE SPECIES)

**Discharges
onto steep
slopes!**

LEVEL SPREADERS

**Must
Prove
No
Erosion**

SLOW RELEASE BASIN #2

RESTORATION
(NATIVE SPECIES)

SOILS TABLE

DEPTH TO BEDROCK, FT (TABLE 6)	WATERSHEDS (TABLE 7)	BUILDING SITE (TABLE 8)	ROAD FILL (TABLE 7)	TOPSOIL (TABLE 7)



Receiving Inlet

Drains to Appropriate Location?

Per DEP:

Lack of obtaining an
easement is a trespass
that nullifies NPDES Permit
coverage

Major & Minor Amendments

- ▶ New Frequently Asked Questions (FAQ) document -

Final, October 19, 2018

- ▶ Contains latest guidance on Field Changes, Minor and Major Permit Amendments
- ▶ See Handout for more information

N.O.T. - What if New Homeowner Adds a Shed, Patio or Pool?

- ▶ Per DEP, the PCSM plan must account for these additional impervious areas if done while the NPDES Permit is active
- ▶ Suggest over-designing PCSM credits to account for this common occurrence
- ▶ As-built must show all impervious, not just proposed.

Fixing a failing system, we need your help:

- ▶ Even poor designs may be approved - most districts do not review PCSM
- ▶ BMP implementation not per specifications - specialty seed mixes not established, etc.
- ▶ Lack of adequate temporary stabilization!
- ▶ Lack of required Licensed Professional oversight or qualified individuals
- ▶ Enforcement actions have not been effective



QUESTIONS?