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Jessica Shirley
Director, Office of Policy
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063

Oct. 28, 2019

RE: Public Notice of Draft NPDES General Permit for Stormwater Discharges Associated with Small Construction Activities (PAG-01)

Dear Ms. Shirley:

The Pennsylvania Chamber of Business and Industry (PA Chamber), the largest, broad-based business advocacy group in the Commonwealth, appreciates the opportunity to comment on the Pennsylvania Department of Environmental Protection's ("PA DEP" or "Department") draft NPDES General Permit for Stormwater Discharges Associated with Small Construction Activities (PAG-01).

For the past several decades, the Chamber has been actively involved in issues relating to stewardship of Pennsylvania's waterways, wetlands and other aquatic resources, bringing the perspective of the regulated community to issues such as the development and refinement of various water quality standards, policies and regulations. The Chamber also recognizes and appreciates the considerable efforts by Department staff in developing the permit conditions as well as the Department's stated goals of continuing to protect the environment while providing for permitting through a streamlined and efficient general permitting process. The Chamber thanks the Department for considering the Chamber's comments and concerns.

We recommend DEP amend the final PAG-01 permit conditions and criteria such as not to obligate pre-application and pre-construction meetings with DEP regional offices or the county conservation districts. The general working practice of general permits in the past have been to establish uniform, clear permitting standards for a particular type of industry, and the project developer submits a demonstration of their capabilities and intent to comply with those criteria in the general permit application, with DEP making its determination based on the information included in the application. A blanket requirement for all applicants seeking coverage under PAG-01 will only divert additional staff and resources away from processing these permits in an efficient manner.

We recommend DEP instead write into the general permit that DEP or the county conservation district may request a pre-construction meeting, but that discharges under an issued PAG-01 do not constitute a violation of law and that DEP's request for a preconstruction meeting should not delay DEP's 30- or 60-day timeline for review and decision. We also note that the draft PAG-02 permit published for comment earlier this year did not require pre-application meetings.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Sunday".

Kevin Sunday
Director, Government Affairs