2025 E&S Workshop Questions and Answers – Cumberland County Conservation District

Please remember a lot of these responses are our internal opinions after reading new form instructions and working through some examples. Some of the answers are from us reaching out to DEP. As this is new, we are making our best attempt to provide as much guidance to you as we can. Understand that more clarity or accurate guidance may come from DEP as we all continue to utilize these new forms, procedures, etc.

1. Vince – PAG-02 Changes
    a. Is e-permitting still used? No, there is no permit processing through e-permitting. Any amendments or renewals for individual e-permits will be done on paper.
    b. Do you take an average of depth of test pits with bedrock in karst terrain? Yes, you would average the overburden depth.
    c. Where does the overburden depth of 33 feet come from? Unknown. Please contact the Bureau of Clean Water through the resource account provided.
    d. Is the PDSC Spreadsheet asking for karst or carbonate rock for 33 feet of overburden? Carbonate rock. Instructions define overburden material as soil and non-carbonate rock.
    e. Are there exclusions for doing the PDSC? Yes, Page 2 of the PDSC Instructions define exceptions. Projects satisfied entirely by stormwater capture and use or riparian buffer SCMs are exempt, as well as projects permitted as site restoration.
    f. For the inspection photos, are drone photos acceptable? Yes, as long as the photos used provide adequate detail to confirm site conditions.
    g. When is a basin "complete" to start the 30 days for the SCM Construction Certification Form? Is it seeded? Is it stabilized? We realize this part of the instructions is unclear, but DEP is working to define "complete" and will be releasing an updated version of the instructions once finished.
    h. Is the Certification of Inspectors referring to the weekly inspections? Yes. Is this separate from critical stage inspections? Yes.
    i. Can you clarify "infiltration tests, **simulated runoff tests, post-storm visual inspection (6-inch depth)**? Simulated runoff is introducing water to at least a 6-inch depth in the SCM and evaluating performance. Post storm would be evaluating the SCM performance after a runoff event that introduces water to at least a 6-inch depth in the SCM.
    j. Within 30 days of SCM Construction, if it is ready to grow but is not grown, would that count as being "completed"? See Question g.
    k. Is the Annual Report required for all projects, even individuals under the last permit cycle? See Question v.
    l. Does the SCM Form need to be signed by a professional? Yes.
    m. Does the as-built need to be recorded? Only if there are changes to the PCSM plans from what was originally recorded.

n. New Property Owner Notification Form: Will an amendment be needed for additional imperious/DA on individual lots? Yes, if they did not account for the 10% factor of safety or build to the maximum impervious.
o. Is the PAG-01 going away? In its current form, most likely. It is anticipated to be replaced by a more usable option.
p. Have you had to address the issue of upstream (at the headwaters) where you have a certain percentage of development as it relates to the watershed area where a sediment load study is needed? No, we have not had a project submitted that dealt with this.
q. New Property Owner Notification Form: With a development with multiple lots and the stormwater management is done regionally, do you need a form for any of the individual lots? Possibly, it depends on the location of the SCM with regard to multiple lots. The notification form is only for the lot who owns/operates/maintains the SCM, not for all the lots that may utilize the SCM for volume, rate, WQ. If the SCM footprint spans multiple lots, then yes.
r. Is a Municipal SWM Maintenance Agreement acceptable to use as the PCSM Instrument? Most likely no. It does not meet Chapter 102 requirements.
s. If the area upstream of a sediment basin is temporarily stabilized between project phases, are the weekly inspections still required for the sediment basin while no earth disturbance is taking place? Yes.
t. Who will interpret infiltration results for a PADOT project where the contractor onsite has a licensed professional certifying critical stages? As a contractor, we do not have access to specific basin design and infiltration data and cannot make any recommendations. Any licensed professional can certify critical stages.
u. The SCM Certification Form requires a Licensed Professional signature and also describes the use of a designee, which cannot be an employee of contractor. If the contractor decides to hire a third-party designee for critical stage work, can the contractor's licensed professional sign off on the SCM form if a designee was onsite for inspections? Any licensed professional can sign off on the SCM form. A designee cannot sign off on the SCM form. In reviewing the instructions, we do not see where the designee cannot be an employee of the contractor.
v. Just to confirm, an Individual NPDES permit that is currently active does not have to comply with new PAG-02 General Permit paperwork and requirements? It does not depend if it is active now; it depends on the when the IP was issued. Issued prior to 12/8/24: old conditions. Issued 12/8/24 or later: new conditions consistent with 2024 PAG-02.
w. If a site was covered under a PAG-02 General Permit and through the renewal process was switched to an Individual Permit due to streams and wetlands, it will then follow the Individual Permit requirements and not the PAG-02 General Permit requirements, correct? Yes, but if the IP was issued 12/8/24 or later, it will have the new PAG-02 consistent conditions attached to it.
x. To clarify the EP discussion - if there is an existing swale/outfall, etc. existing concentrated discharge point, EP analysis is not required if the flows are not

increasing post construction? Yes, that is how we understand it, if that existing swale/outfall, etc. is currently stable at the discharge point.

y. For our typical PAG-02 utility projects (which are more often buried utility projects which typically do not have a separate PCSM under 102.8(n) and the areas are restored to pre-construction grade and cover type, would these PAG-02 projects still be required to do Annual Reports even if there are no PCSM SCMs? I understand that you explained the EP Analysis forms are not required for sheet flow. Yes, annual reports would be required. A large portion of the questions relate to earth disturbance activities.

z. For our typical smaller utility projects **without PCSM SCMs** (if the project is under an acre and does not need a PAG-02 but still needs E&S plan approval), would there be any requirements to include these new forms or reporting (such as EP Analysis?) No.

aa. Lastly, a hypothetical question as it is far less common: If there was a smaller utility project **that did need PCSM SCMs** (such as a small aboveground pump station) to address new impervious but still was under an acre and did not need a PAG-02/Individual NPDES and just needed E&S plan approval, would there be any requirements to include any of the new forms or reporting (such as Module 2 or EP Analysis)? I suspect the answer is no but wondering how the design of the SCMs would be evaluated if it is just an E&S plan approval. No.

2. Noelle – Checklist, NOI, Module 1
    a. Is there guidance regarding Phase 1 ESAs? When to do them? Are they required to submit? What triggers their submission? There is no specific guidance. However, review the Eligibility Criteria #4 in the NOI Instructions.

3. Matt – EP Analysis, POA vs DP, Module 2 Wetlands
    a. Sometimes you have the POA off-site to catch undetained areas. Clarify? The instructions for Module 2 state that POAs are on the project site boundary or at the receiving surface water. According to the DEP PCSM Spreadsheet Instructions, all runoff from a project site must be accounted for at one or more POAs and any undetained areas.
    b. What happens if you have an emergency spillway that is different than the barrel spillway? The emergency spillway only needs to be a DP if it discharges at the 10 year/24 hour storm with a flow depth of 0.1 feet or greater.
    c. If you meet level spreader flow depth so that an EP Analysis is not required, do you still need to provide a narrative explaining that? The DP is at the barrel before the level spreader. No EP Analysis is needed if the level spreader meets the flow depth, but a narrative and/or calculations should be provided to show that.
    d. If your critical section is a mile from site and the watershed/drainage area increases and the critical section is eroded, how would you conduct the EP Analysis? This scenario has been posed to DEP in the past. As long as you are not

exceeding rates from your site, you will not be contributing to erosion further downslope.

e. K factor: rock free vs whole soil? Whole soil.
f. Are we assuming all wetlands are surface waters? Yes, a wetland is a surface water defined in Chapter 102 regulations. Each separate wetland requires volume and peak rate control? Yes.
g. Would flow going to the wetland be a separate POA? Yes.
h. Is there only one POA per spreadsheet? No, you can have multiple POAs on a spreadsheet, as long as they are to the same surface water. The PCSM Spreadsheet can be done on a POA basis or a surface water basis.
i. Is EP Analysis needed for entire flow path even if the flow path is a mile log? Yes, to identify the critical area to evaluate. How to factor in other drainage/storm drains into the flow path from other properties downstream? If you do not increase rate in 10 year/24 storm and flows go to a storm sewer, you do not need to consider other flows or continue the EP Analysis.
j. If you are discharging directly to a stream, do you still need to do EP analysis? No, as long as your riprap apron is directly adjacent to the stream.
k. For the EP Analysis form, is it only required for site BMPs at time of permit submission and not needed for permits issued prior to 12/7/2024? Correct, the EP form is required to be used for new applications/NOIs submitted 12/8/24 or later.
l. Is the increase to the 10-year flow based on worst case bare earth conditions or final conditions? You should evaluate 10-year flow/rate both during construction and post construction and whichever is worse, base your EPA on that condition.
m. Is a multi-lot analysis required if a Subdivision Plan is proceeding to consolidate the lots during the NOI Process? Our opinion is no, if that consolidation is to one lot. If 20 lots were originally planned and now the consolidation is to 10 lots, then yes.
n. Can anyone explain the difference between Discharge Point (DP) and Point of Analysis (POA)? As I understand, POA is the point at the property boundary or at the water surface received runoff, similar to POI. DP is the discharge point from each SCM, but the PCSM Spreadsheet looks different. We agree. The PCSM Spreadsheet evaluates the POAs, not the DPs.

4. PCSM Topics
    a. PCSM Inventory: LP Name, Company? An LP Name or Company must be provided. See Number 4 on Page 3 of the Module 2 Instructions.
    b. If you have a cover type that has a CN value that does not show up in the spreadsheet, do you find a way to work around it or provide supporting calculations? We recommend that you find the CN that is most relevant to what you are proposing. The designer should provide justification for the CN value chosen, otherwise. Keep in mind, predevelopment curve numbers are limited based on regulatory requirements.

c. MRC: Do you know why they are making the standards restrictive/small? We recommend you reach out to Bureau of Clean Water.
d. MRC: If they have to make it bigger (meet Simplified Design Standards), can they write justification? No, they have to meet the Simplified Design Standards. If you cannot meet the Simplified Design Standards, you may use the normal MRC Spreadsheet where deviations are allowed.
e. What other choices do you have if you cannot infiltrate or do MRC? Capture reuse, site restoration, riparian forest buffer.
f. PCSM SCM Inventory: If both boxes are empty (LP Name and Company Name), it will be considered a deficiency. What if they do not know the responsible person/entity when submitting for a permit? Refer to Question a.
g. More feedback is wanted on MRC restrictions. What choice is there if an infiltration basis is not an option? Do we use MRC? What if it is over 50%? Receive approval with Bureau of Clean Water prior to submittal.
h. Wanting more information on vegetative requirements for the spreadsheet-volume credit part? See "Vegetated?" on Page 15 of the PCSM Spreadsheet Instructions.
i. The PCSM spreadsheet requires storage volume being taken at the lowest level. If you have a riser structure with an orifice, is the orifice the lowest level? Yes.
j. How does the water quality spreadsheet work with MRC credits? When putting in MRC volume on the volume tab, that does not change anything on the water quality page. If you are checking MRC on the volume tab, there should be zero (0) outflow from that MRC SCM on the WQ page and no pollutant load shown in that table.
k. How are we supposed to divert larger rainfall events? Using a rate-based approach, i.e. orifice size to 1.2 in/2-hr storm, would not be accurate as you can get high intensities with lower volumes. Or higher volumes with lower rates. Based on the new MRC guidance, a second SCM may be required so that storm events greater than the 2-year/24-hour storm will be managed. The MRC SCM is used to managed volume. The rate control should be done with another SCM downstream of the MRC.
l. Why are we restricted to provide vegetated BMPs upstream of MRCs when this is contradictory to the way 95% of sites are laid out? In my opinion, there is more benefit to having the vegetated component downstream. It has to do with water quality and the pretreatment of the MRC storage system. Refer to Page 12 of the MRC Instructions. The instructions require pretreatment.

5. Q&A
   a. For the EP Analysis, if discharging directly to stream, do you still need to do an analysis? No.
   b. The PCSM Spreadsheet requires storage volume at lower outlet elevation. Does an orifice count as lower outlet elevation? Yes.
   c. New Property Owner Notification Form: If an SCM is used for multiple lots, do they need multiple forms for each lot? Possibly, it depends on the location of the

SCM with regard to multiple lots. The notification form is only for the lot who owns/operates/maintains the SCM, not for all the lots that may utilize the SCM for volume, rate, WQ. If the SCM footprint spans multiple lots, then yes.

d. Do they need 33 feet of overburden if considering infiltration? No, just recommended to consider non-infiltration volume management (MRC).
e. Did Module 1 and Module 2 replace E&S and PCSM narratives? Under some circumstances, yes. If the Modules are completed correctly and the spreadsheet is utilized for volume, rate, and water quality demonstration, then yes, they can take the place of separate narratives. Using the rate sheet to summarize peak rates does not mean it is being used for the rate analysis demonstration.
f. Is the GIF required to be sent to the municipal and county during the notification process for a major individual amendment or only included in the application package? No.