

Department of Environmental Protection Guidance for NPDES Construction Permittees  
During the COVID-19 Public Health Emergency

Governor Wolf's March 19, 2020, Order, available at <https://www.governor.pa.gov>(the "Governor's Order")

Permittees may continue to conduct permitted earth disturbance activities to the extent that those earth disturbance activities are in support of the operation of the life sustaining business. If earth disturbance activities are conducted, the permittee must remain in compliance with all terms and conditions of any applicable permit.

For Non-Life Sustaining Businesses: Permittees and operators who are not considered "life sustaining businesses" as set forth in the Governor's Order must, pursuant to the Governor's Order, cease earth disturbance activities. Per 25 Pa. Code § 102.22 and the terms and conditions of their permit, including any approved plans, permittees ceasing earth disturbance activities must immediately implement temporary or permanent stabilization practices in accordance with approved permit plans and conditions and the stabilization standards outlined in the Erosion and Sediment Control Program Manual. In recognition of the Governor's directive to implement social distancing, permittees may, upon temporary or permanent stabilization, cease performing weekly Routine Inspections as otherwise required by their permit. Permittees must continue to conduct other inspections required by their permit, including Post-Storm Event Inspections and Corrective Action Inspections as set forth in their permit. Required site inspections of permitted activities by permittees are considered critical operational functions and will not be considered to be out of compliance with the Governor's Order. Permittees and operators are reminded to limit on-site personnel, and in all cases follow social distancing and COVID-19 mitigation guidance provided by the PA Department of Health and CDC. The cessation of Routine Inspections as set forth herein is not a limitation of, or defense to, liability for injury to private property or invasion of personal rights. Permittees must continue to comply with all other permit terms and conditions, including, but not limited to, the requirement to take immediate action to restore, repair, or replace the BMP or to provide an alternative method of treatment upon reduction, loss, or failure of any BMP.