

**Lancaster County Conservation District
Erosion & Sedimentation Committee Meeting Agenda
Thursday March 28, 2024
1:30 P.M. – 3:00 P.M.
LCCD Upstairs Conference Room #218
Available virtually via Microsoft Teams
[Teams Link](#)
Meeting ID: 249 921 601 017
Passcode: 4LitZ7**

1:30 PM Meeting Called to Order

1. Committee Business
 - a. Agenda Preparation Procedure
 - b. Recording Secretary Appointment
 - c. 2025 Building Industry Conservation Award
2. Business Items for Board of Directors Recommendation
 - a. PA DEP Individual Permit Pilot Program
3. Informational Updates
 - a. PAG-02 Draft Permit
 - b. 259 Auction Road – Penn Township – Enforcement Preparation Update
 - c. 200 Black Barren Road (Ricky Tindall) – Fulton Township – Compliance Update

3:00 PM Meeting Adjourned

Next Scheduled Meeting
Thursday April 25, 2024 @ 1:30 PM
LCCD Upstairs Conference Room #218 and virtually Microsoft Teams

1. Committee Business

a. Agenda Preparation Procedure

Currently, Adam Stern coordinates with Jay Snyder, Chris Thompson, and Eric Hout approximately 1.5 weeks ahead of a Committee meeting date to compile items for the agenda. Adam then finalizes the agenda and sends out to Committee members 1 week prior to the meeting date. Staff would like approval from the Committee to continue this process as it is or direction on needed workflow adjustments.

b. Recording Secretary Appointment

Currently, Adam Stern records written minutes of the Committee meetings following conclusion and sends them out to members for approval prior to filing or adding to a Board packet. He currently functions as the recording secretary in this way. Staff would like approval from the Committee to continue this process (and appoint Adam Stern recording secretary) or direction on needed workflow adjustments.

c. 2025 Building Industry Conservation Award

Looking to next year, staff are seeking general input from the Committee on the direction and intent of this award. Historically, this award was presented largely to individuals/organizations. In 2024, the award was presented to a project site and the associated organizations (permittee, designer, contractor).

2. Business Items for Board of Directors Recommendation

a. PA DEP Individual Permit Pilot Program

At the 1/25/24 Committee meeting, staff reported that they had declined participation in a voluntary PA DEP Chapter 102 Expedited Individual Permit Pilot Program. At the request of Commissioner D'Agostino, a call with representatives of PA DEP (Manyi Liu & Sean Furjanic) and LCCD (Commissioner D'Agostino, Jay Snyder, Chris Thompson, Adam Stern, Eric Hout) was held to revisit the potential for LCCD participation in the program. Staff are seeking a recommendation from the Committee on whether LCCD should elect to participate in the program.

Included in this packet are the following documents regarding the pilot program.

- Current SOP for Review of Individual NPDES Permit Applications for Stormwater Discharges Associated with Construction Activities\
- DEP Chapter 102 Pilot Program for Individual NPDES Permits
- Amendment to Chapter 102 Delegation Agreement – this would need to be subsequently approved if LCCD elects to participate in the pilot program

Recommendation to Board requested

3. Informational Updates

a. PAG-02 Draft Permit

PA DEP has posted a draft of the PAG-02 General Permit that would become effective on December 8, 2024. Public comments may be submitted through April 8, 2024. More information can be found at PA DEP's Construction Stormwater Page ([linked here](#)). Eric Hout is taking the lead on compiling any comments from the E&S Team and submitting them to PA DEP.

b. 259 Auction Road – Penn Township – Enforcement Preparation Update

Adam Stern will provide an update.

c. 200 Black Barren Road (Ricky Tindall) – Fulton Township – Compliance Update

Eric Hout will provide an update.

Standard Operating Procedure (SOP)¹
Review of Individual NPDES Permit Applications
Stormwater Discharges Associated with Construction Activities
SOP No. BCW-PMT-043
Final, December 9, 2019
Revised, March 7, 2023
Version 1.6

This SOP describes the procedures by which the Department of Environmental Protection (DEP) Waterways and Wetlands Program, DEP Regional Permit Coordination Office (RPCO), and delegated county conservation districts (CCDs) will process applications for Individual NPDES Permits for Discharges of Stormwater Associated with Construction Activities. The eFACTS authorization type covered by this SOP is “NSC” and the application types covered by this SOP include “NEW”, “AMEN” (amendment) and “REN” (renewal).

This SOP is intended to comply with the DEP’s [Policy for Implementing the Department of Environmental Protection \(Department\) Permit Review Process and Permit Decision Guarantee](#) (DEP Document No. 021-2100-001) (PRP/PDG Policy). Only certain types of applications are subject to the Permit Decision Guarantee (PDG) described in the PRP/PDG Policy. Individual NPDES Permits for Discharges of Stormwater Associated with Construction Activities **ARE** part of the PDG, with a PDG timeframe of 107 business days.

DEP will be the permitting authority for all Individual NPDES Permit applications. However, the application typically is submitted initially to delegated CCDs (the applicant should read the application instructions on where to properly submit their application). The CCD’s role in the review of Individual NPDES Permit applications is the completeness review, the technical review of the Erosion and Sediment Control (E&S) Plan, and the technical review of the Post-Construction Stormwater Management (PCSM) Plan when delegated. For counties without a delegated CCD, DEP will handle all aspects of the review of the Individual NPDES Permit application.

DEP and CCDs will refer to DEP’s [Policy for Permit Coordination](#) (DEP Document No. 021-2000-301) and other existing guidance when evaluating the need to coordinate issuance of Individual NPDES Permits with other permits.

Flow charts identifying the significant administrative procedures involved in processing Individual NPDES Permit applications are presented in **Figure 1** and **Figure 2**.

¹ **DISCLAIMER:** The process and procedures outlined in this SOP are intended to supplement existing requirements. Nothing in the SOP shall affect regulatory requirements. The process, procedures and interpretations herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in this SOP that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

SOP – Review of Individual NPDES Permit Applications
Revised, March 7, 2023

Figure 1: Overview of Individual NPDES Permit Administrative Process – Part 1

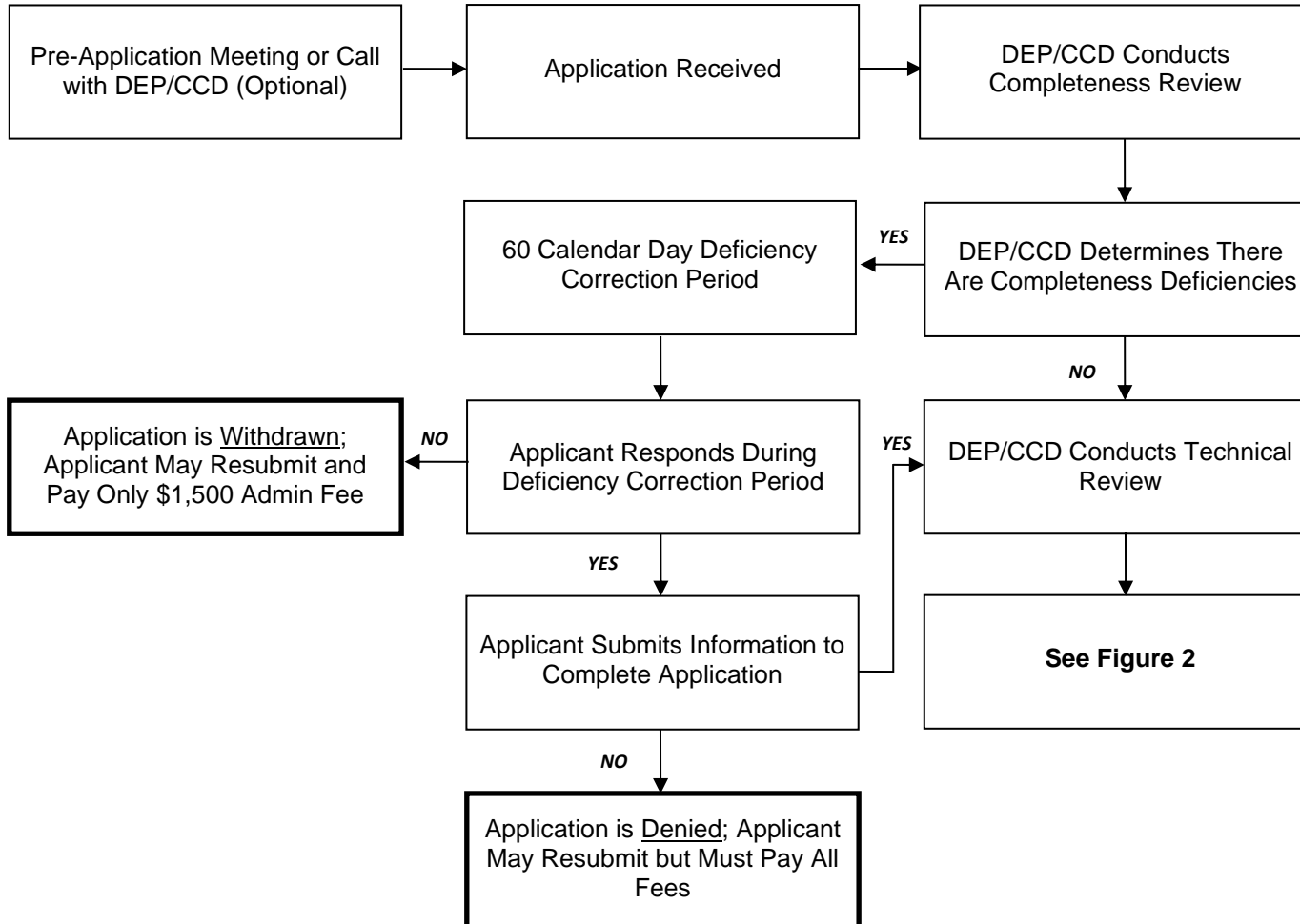
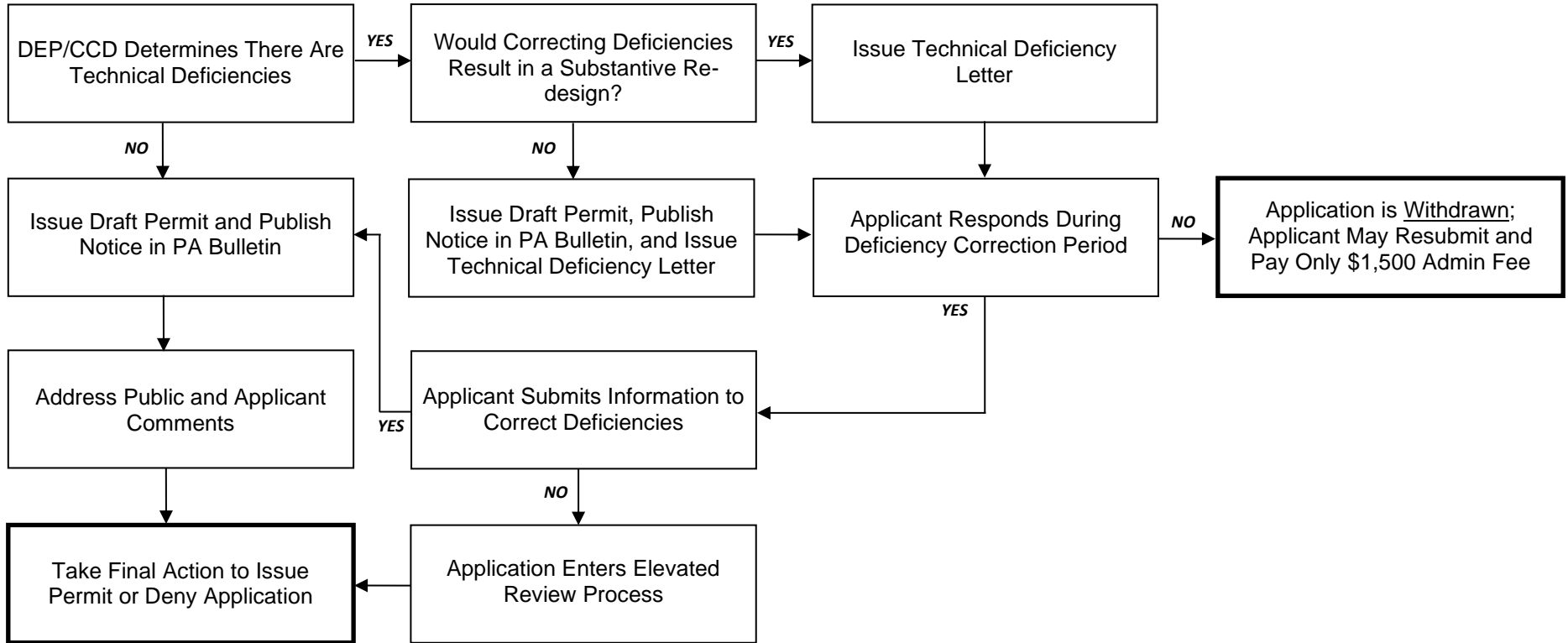


Figure 2: Overview of Individual NPDES Permit Administrative Process – Part 2



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I. Pre-Application Meeting (DEP/CCD Staff)

Applicants are encouraged to request a Pre-Application Meeting with DEP and the CCD. A Pre-Application Meeting is important for the applicant to explain the project to DEP/CCD.

- A. If an applicant wants to request a Pre-Application Meeting, they should contact DEP/CCD to schedule a Pre-Application Meeting (either an in-person meeting or a conference call, as determined by DEP/CCD). The request should be accompanied by a completed [Chapter 102 Pre-Application Meeting Request Form](#) (DEP Document No. 3800-FM-BCW271e). If a CCD is contacted to schedule the pre-application meeting, they will coordinate the meeting with DEP, and vice-versa.
- B. During the Pre-Application Meeting, DEP/CCD staff will identify any additional DEP permits potentially required for the project², provide an explanation of the Permit Review Process (PRP) and review timelines, and explain the Permit Decision Guarantee (PDG) and how it can be voided by the applicant. DEP's *Policy for Permit Coordination* should be followed during the Pre-Application Meeting.
- C. During the Pre-Application Meeting, DEP/CCD staff will take general notes of the discussion and record the notes on the Chapter 102 Pre-Application Meeting Record Form (see **Attachment A**) or equivalent. At the conclusion of the Pre-Application Meeting, DEP/CCD staff will provide (in person or by email) a copy of this form to the applicant and consultant to ensure understanding by all parties.
- D. If known at the time, the Application Manager for DEP (i.e., the lead reviewer of the application when it is submitted) for the application should be identified to the applicant.

II. Preliminary Processing, Prioritization and Assignment (DEP/CCD Staff/Management)

Upon receipt of an Individual NPDES Permit application, DEP/CCD administrative staff and management will implement the following steps as soon as possible but no longer than five (5) calendar days of the receipt of the application:

- A. DEP/CCD administrative staff will date stamp the application (and all other accompanying information) with the date received and record the date received in the "DEP/CCD Use Only" box on the first page of the application.
- B. DEP/CCD administrative staff will assign an NPDES Permit Identification (ID) Number in accordance with DEP guidance for Chapter 102 Permit Numbering and record the Permit ID number in the "DEP/CCD Use Only" box on the first page of the application.
- C. Process Fees.
 - 1. If the appropriate Base Administrative Filing Fee (\$1,500) for an Individual NPDES Permit application was submitted, DEP/CCD administrative staff will process and deposit the fee (including any CCD-specific fees where a CCD is the permitting authority) in accordance with guidance provided under the DEP Management Directive OAM-1000-001 (Deposit of Fees, Fines, Penalties and Other Revenue). If the appropriate Base Administrative Filing Fee for the Individual NPDES Permit was not submitted, DEP/CCD administrative staff will follow the procedures for over- or under-payment of fees identified in the DEP Management Directive OAM-1000-001 and Program Clarification Memo PCM_WET_NCEC_13_003.

² It is the responsibility of an applicant to ensure that all necessary permits are obtained from DEP. The applicant is encouraged to submit their project information through DEP's [Permit Application Consultation Tool](#).

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NOTE 1 – Fees should not be held until after the Completeness Review has been performed.

NOTE 2 – The United States Environmental Protection Agency (EPA), PennDOT, the Pennsylvania Turnpike Commission, DEP, the Department of Conservation and Natural Resources (DCNR), and the Pennsylvania Fish and Boat Commission are exempt from Chapter 102 NPDES fees. If any other entity claims an exemption, request assistance from the DEP regional office or DEP Bureau of Clean Water.

2. DEP/CCD administrative staff will determine whether the appropriate Additional Administrative Filing Fee (i.e., Disturbed Acreage Fee) was submitted by multiplying the Total Earth Disturbance Area reported on page 2 of the application by \$100, where Total Earth Disturbance Area is rounded to the nearest whole number (e.g., for a Total Earth Disturbance Area of 2.5 acres, a Disturbed Acreage Fee of \$300 must be submitted).
 - a. If the appropriate Disturbed Acreage Fee was submitted, forward the check to the appropriate DEP office. DEP office staff will confirm by email that the Disturbed Acreage Fee payment was received.

NOTE 3 – CCDs may forward the checks to the DEP office as they are received or may bundle them and forward all checks at least once per week.

- b. If the appropriate Disturbed Acreage Fee was not submitted, DEP/CCD administrative staff will follow the procedures for over- or under-payment of fees identified in the DEP Management Directive OAM-1000-001 and Program Clarification Memo PCM_WET_NCEC_13_003.
3. CCD administrative staff will determine whether the appropriate CCD-specific fees have been submitted. Where DEP is the permitting authority, they will coordinate with the CCD to ensure fee submission, where applicable.
 - a. If the appropriate CCD-specific fee was not submitted, DEP/CCD administrative staff will follow the procedures for over- or under-payment of fees identified in the DEP Management Directive OAM-1000-001 and Program Clarification Memo PCM_WET_NCEC_13_003.
 - b. If the CCD has an expedited (or otherwise named) review fee, the CCD can require a Pre-Application Meeting as part of their expedited review process.

NOTE 4 – Fees (including CCD-specific fees) must be resolved prior to considering an application for completeness (Section III).

D. Preliminary Data Management.

1. If a CCD is the initial recipient of an application, CCD administrative staff will record basic information on the application into an electronic data system (i.e., database, spreadsheet, or other system in which this information can be retrieved for review by staff or other parties). The minimum information that will be recorded includes applicant name, applicant address, project (site) name, NPDES Permit ID No., municipality, fees collected and date the application was received.
2. The DEP Application Manager or administrative staff will record the receipt of the application in eFACTS when DEP has received the Individual NPDES Permit application and the GIF; the following steps will be taken:

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- a. Create or update a site, client and client-site relationship for the project in eFACTS, as necessary.
 - b. Create or update a primary facility (PF) and at least one subfacility (SF) under the site. The PF should have a Kind of “SWC” (Stormwater Construction (Non-Phased)) or “SWCP” (Stormwater-Phased Construction) as appropriate. To determine which PF Kind to use review page 1 of the Application (i.e., if a Common Plan of Development or Sale select “SWCP”). Select an SF type that matches the proposed land use upon completion of the project. Enter as much information in the PF and SF screens as is available, including latitude/longitude coordinates.
 - c. On the eFACTS Application screen, create a new authorization record by entering a new APS (Project) name, Program ID (i.e., NPDES Permit ID No.), and date the application was first received (“Recvd”) (not when the DEP office received the application from the CCD), and by selecting the client, site, authorization type (“NSC”), application type, and lead reviewer (if known at this stage, otherwise select the Permits Chief).
 - d. Select the Master Auth ID (for renewals and amendments) or create the Master Auth (for new applications), as appropriate.
 - e. Enter the total amount received in Administrative and Disturbed Acreage Fees in the Fee Payment screen against the account created for the client. If the CCD has deposited the Administrative Fee, then only report the Disturbed Acreage Fee received.
 - f. Enter consultant information. If a consultant is identified on the application, select the appropriate client or otherwise create the consultant as a client on the Application Screen.
- E. DEP/CCD administrative staff will provide the application to the CCD manager (or assistant manager or supervisor as designated by the manager) (where a CCD is performing the completeness review) or the DEP Permits Chief (where DEP is performing the completeness review). The CCD manager or DEP Permits Chief will:

1. Prioritize the application in accordance with the “Permit Review Hierarchy” contained in the PRP/PDG Policy.

NOTE 5 – A CCD may create an expedited review process under their fee schedule. However, the expedited reviews under such a process would be to pay for overtime for the CCD staff to perform the review. A CCD expedited review would not supersede the PRP/PDG Policy’s Permit Review Hierarchy and a CCD expedited review fee does not affect the processing of the application by the DEP office.

2. Where a CCD believes that the project should receive a higher priority review, the CCD staff will consult with the DEP Permits Chief or Program Manager, specifically when a project may be considered controversial, involves an applicant with an adverse compliance history, or is the subject of legislative interest. In some instances, the DEP office may inform the CCD of a higher priority assignment based upon information that the CCD may not have previously received.
3. Assign an Application Manager to the application, unless this has been done previously, and provide the application to the Application Manager.

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III. Completeness Review (Application Manager)

When the Application Manager receives the application from the CCD Manager or Permits Chief, the Application Manager will, within 15 business days from DEP/CCD's completion of Step II, review the application for administrative completeness and overall technical adequacy, as follows.

A. Completeness Review by Application Type.

1. **New Applications** – The Application Manager will document the completeness review of new applications using the Individual NPDES Permit Fact Sheet template (see **Attachment B**), which serves as the record of decision on the application. The DEP Application Manager and Permits Chief will sign the Fact Sheet. A complete and technically adequate application for a new project is characterized by a response of “TRUE” or “N/A” for all items in the Application Completeness Review Checklist of the Fact Sheets, not including fees addressed in Section II.C.
2. **Renewal Applications** – A complete and technically adequate Individual NPDES Permit application for an existing permittee seeking renewal of their Individual NPDES permit must include only an application (3800-PM-BCW0408b) with the General Information, Compliance History and the Certification sections completed along with the General Information Form (GIF) (only Client Information and Certification sections need to be completed) and correspondence indicating that 1) no changes to the E&S and PCSM Plans are planned and 2) a description of the work that has been completed and the work that is still remaining. In addition, a new Administrative Filing Fee is required. If any changes to the E&S and/or PCSM Plans are proposed, the applicant must check the box on the application for a Major or Minor Amendment. If the timing of the amendment coincides with the timing of a renewal application, both the Renewal and Major or Minor Amendment boxes should be checked. A Fact Sheet will be completed for all renewal applications; however, in lieu of completing a new Fact Sheet for a renewal, the Fact Sheet may consist of or refer to prior review documentation assuming there have been no changes.
3. **Amendment Applications** – The contents of a complete and technically adequate Individual NPDES Permit application for an existing permittee seeking a Major or Minor Amendment must include 1) a complete application (3800-PM-BCW0408b) with any change to the original information presented in bold text, and 2) other information to be determined by DEP/CCD in consultation with the permittee and following the guidelines in DEP's [Frequently Asked Questions \(FAQ\) for Chapter 102 Permit Amendments](#). Fact Sheets are optional for amendment applications.

NOTE 6 – All Major Amendments to individual permits must be issued by DEP. A Minor Amendment which is solely related to the E&S Plan can be issued by DEP or a delegated CCD after coordination with DEP. A Minor Amendment which includes revisions to the PCSM Plan can be issued by DEP or a PCSM-delegated CCD after coordination with DEP.

NOTE 7 – The Compliance History section of the application should contain at a minimum all violations that have been the subject of a DEP/CCD enforcement action. The applicant is expected to report all such violations of a regulation, permit, order, or schedule of compliance in a truthful and accurate manner. If an Application Manager has concerns with the information in this section, the DEP Application Manager can query the internal version of eFACTS and the CCD Application Manager can query the public version of eFACTS.

If the Application Manager has questions concerning applications, the Application Manager should communicate with the DEP regional office (where a CCD is the initial recipient of applications) or applicant to obtain clarification as necessary and/or issue an **Incompleteness Letter (13)** as described in Section III.E, below.

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B. Determination – Application is Complete.

If none of the criteria in the Individual NPDES Permit Fact Sheet (Application Completeness Review Checklist) are found to be deficient or technically inadequate, the Application Manager or DEP/CCD administrative staff will complete the steps below and proceed to Section IV.

1. Check the box next to “Application Complete” in the “DEP/CCD Use Only” box on page 1 of the application.
2. Enter the date the application was determined to be complete in the “DEP/CCD Use Only” box on page 1 of the application.
3. Where a CCD is the initial recipient of an application, the CCD will update a record of the application in an electronic system to include the date the application was determined to be complete, and transmit one complete copy of the application and attachments to the appropriate DEP office.
4. The DEP Application Manager or administrative staff will update eFACTS as follows:
 - a. Close out the “COMPL” task and subtask using a Begin Date of when the application was received and the End Date as the date the application was deemed to be complete.
 - b. Enter the Begin Date of the Technical Review Standard Task as the date the application was deemed to be complete.
 - c. Enter the Begin Date of the “DR” and “ER” subtasks as the date the application was deemed to be complete and the Due Date as the end of the 15-day completeness review period.

At the discretion of the DEP/CCD Application Manager, the DEP/CCD Application Manager or administrative staff may prepare and send a **Completeness Notification Letter (04)** to the applicant or otherwise transmit an email to the applicant.

C. Determination – Application Contains Minor Deficiencies.

1. If the application contains deficiencies that are determined to be minor (i.e., an item that in the DEP/CCD Application Manager’s judgment can be corrected within two (2) business days), the Application Manager will not consider the application incomplete, but will contact the applicant (or the applicant’s authorized representative) by phone to explain the deficiency and offer the opportunity to submit the necessary materials informally by the end of the second business day to make the application complete. The Application Manager may or may not (at the Application Manager’s discretion) follow up the phone call with an email to the applicant and/or consultant.

NOTE 8 – The Application Manager should attempt to communicate with the applicant directly. Where this fails, the Application Manager may attempt to communicate with the consultant, if any. This contact can include an email to the applicant, with the consultant copied, which identifies the deficiencies and the deadline to respond.

- a. Where a CCD is the initial recipient of an application, the CCD will update a record of the application in an electronic system to include the date of the contact with either the applicant or their consultant.
- b. The DEP Application Manager or administrative staff will enter the subtask “PPC” into eFACTS to identify the phone call. The Begin Date will be the date of the phone call and

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the Due Date will be the date that the information is to be submitted. The End Date will either be the date the response is received or the date of the **Incompleteness Letter (13)** (as described in Section III.D).

2. A phone log will be kept that details the name of the person contacted, the day and time of the conversation, and notes for all communications regarding the application review. All phone logs will be retained with the application file during and following final action on the application, or otherwise a database or spreadsheet will be used and made accessible to allow others to check latest correspondence for a case if the Application Manager is out of the office.
3. In the event the Application Manager is unable to contact the applicant or consultant by phone after two attempts, or if a phone message is not returned after two business days, the Application Manager will proceed to Section III.D.
4. After the necessary materials have been received (receipt by email or fax is acceptable except when original signatures, plans or seals are needed), and assuming the application can then be considered complete, the Application Manager will follow the steps in Section III.B, above.
5. If a submission is not received or if a submission is received but does not correct the original minor deficiencies, the Application Manager will proceed to Section III.D.

D. Determination – Application is Incomplete.

1. If the application is incomplete and the deficiencies are determined not to be minor or if the applicant does not respond to or correct the minor deficiencies, the Application Manager will officially deem the application to be incomplete. The Application Manager will prepare and send an **Incompleteness Letter (13)**, which will be reviewed and signed by the CCD Manager or DEP Program Manager/Permits Chief.

NOTE 9 – Only one (1) incompleteness letter will be sent by the Application Manager.

- a. If an application is determined to be incomplete, the PDG is void.
- b. The incompleteness letter will cite the statutory or regulatory requirement(s) that were not met.
- c. Where a CCD is the initial recipient of an application, the CCD will update a record of the application in an electronic system to include the date the incompleteness letter is transmitted.
- d. The DEP Application Manager or administrative staff will update eFACTS as follows:
 - i. Enter the “COMPL” task and subtask using a Begin Date of when the application was received and the Due Date of 15 business days from the date of receipt.
 - ii. Enter the “SDN” subtask, with the Begin Date of the date of the incompleteness letter and the Due Date will be the date that the response to the letter is to be submitted. The End Date will either be the date the response is received or the date of the withdrawal.
- e. The applicant will be given 60 calendar days to respond. This 60 calendar-day period is referred to as the deficiency correction period. If the applicant does not respond within the 60 calendar days, DEP/CCD will consider the application to be withdrawn by the applicant (per 25 Pa. Code § 102.6(c)(2)).

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- f. The applicant may request, in writing, to extend the time to respond beyond the 60 calendar days. The request must identify the additional amount of time to respond and the justification/reason for the extension. If a request is submitted, the Application Manager will coordinate with the DEP Program Manager/Permits Chief to grant the extension or not. The Application Manager will prepare and send the **Extension Request Letter (11)**, which will be signed by the CCD Manager or DEP Program Manager/Section Chief. Unless otherwise warranted based on consultation with the DEP Program Manager/Permits Chief, the time to respond will not exceed an additional 30 calendar days.

NOTE 10 – In order for the extension request to be considered, the justification must relate to the completeness deficiencies identified and not related to revisions to the plan/project from another approving agency (e.g., municipality, PennDOT, etc.). If the extension request is related to another approving agency's comments, the request will not be granted and the applicant should consider withdrawing their application.

- i. Where a CCD is the initial recipient of an application, the CCD will update a record of the application in an electronic system to include the date of the extension request letter, whether the extension was granted or not, and the new date of when the response is due.
 - ii. The DEP Application Manager or administrative staff will create the "SREL" subtask in eFACTS. The Begin Date will be the of the requested extension, the Due Date will be the response date the response is due and the End Date will be the date of extension request letter. A comment will be added to the "SREL" subtask identifying if the requested was granted or not. If the request is granted, the "SDN" Due Date will be updated to the new due date of the response.
2. If a submission is received (receipt by email or fax is acceptable except when original signatures, plans or seals are needed) within the deficiency correction period that corrects the deficiencies, the Application Manager will consider the application complete and follow the steps in Section III.C, above. In addition, the Application Manager will record the date the response submission was received in the Date Resubmission Received field within the "DEP/CCD Use Only" box on page 1 of the application.
 3. If no submission is received by the end of the deficiency correction period, or if the applicant voluntarily elects to withdraw the application in writing, the Application Manager will prepare and send the **Deemed Withdrawn Letter (05)** or the **Voluntary Withdrawal Letter (33)** (withdrawal letter), which will be reviewed and signed by the CCD Manager or DEP Program Manager/Permits Chief. The Application Manager will check the appropriate box for "Withdrawal" and identify the date of the withdrawal letter in the "DEP/CCD Use Only" box on page 1 of the application.
 - a. The CCD Manager or DEP Program Manager/Permits Chief will sign the Individual NPDES Permit Fact Sheet.
 - b. Where a CCD is the initial recipient of the application, the CCD will update a record of the application in an electronic system to include the date the withdrawal letter is transmitted.
 - c. The DEP Application Manager or administrative staff will close the COMPL task and subtask by entering the End Date as the date the deficiency correction period ended, dispose the authorization in eFACTS by selecting "Withdrawn" for the disposition code, and enter the date of the withdrawal letter in the field for date disposed.

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- d. DEP/CCD will retain one copy of the application package and the withdrawal letter in its official files for a period no less than 60 days. After the 60 days, the file may be purged with only the withdrawal letter retained.

NOTE 11 – If an application is withdrawn, no *Pennsylvania Bulletin* notice is required.

NOTE 12 – If an application is withdrawn, the Base Administrative Filing Fee (\$1,500) and Disturbed Acreage Fee will not be refunded. However, the Disturbed Acreage Fee does not have to be re-paid upon submission of a new application for the exact same project (whether or not it is the same applicant). A new Base Administrative Filing Fee (\$1,500) must however be paid for a new application.

4. If a submission is received by the end of the deficiency correction period that does not correct the deficiencies, the Application Manager will prepare and send the **Denial of Incomplete Application Letter (06)** (denial letter) after the end of the deficiency correction period, which will be signed by the CCD Manager or DEP Program Manager. The Application Manager will check the appropriate box for “Denied” and record the date of the denial letter in the “DEP/CCD Use Only” box on page 1 of the application.

NOTE 13 – The permitting authority is under no obligation to identify to the applicant if their response submission does not make their application complete. However, if there are only minor deficiencies, as described above, the Application Manager can proceed as described in Section III.D above to try and resolve the minor deficiencies.

- a. The CCD Manager or DEP Program Manager/Permits Chief will sign the Individual NPDES Permit Fact Sheet.
- b. Where a CCD is the initial recipient of an application, the CCD will update a record of the application in an electronic system to include the date the denial letter is transmitted, and transmit a *Pennsylvania Bulletin* notice of the denial to the DEP regional office.
- c. Where DEP is the sole recipient of an application, the DEP Application Manager or administrative staff will prepare a *Pennsylvania Bulletin* notice of the denial and update eFACTS as follows:
 - i. Complete the “COMPL” subtask, by entering the End Date as the date of the denial of incomplete application letter.
 - ii. Enter a “DENC” subtask, with Begin, Due and End Dates as the date of the denial of incomplete application letter.
 - iii. Dispose the authorization in eFACTS by selecting “Denied” for the disposition code and enter the date of the denial letter in the field for date disposed.
- d. DEP/CCD will retain one copy of the application package and denial letter in its official files for a period no less than 90 days.

NOTE 14 – If an application is denied, a *Pennsylvania Bulletin* notice is required, which should be published in the special notices section of the *Pennsylvania Bulletin* or as otherwise determined by the DEP regional office.

NOTE 15 – If an application is denied, the Base Administrative Filing Fee (\$1,500) and Disturbed Acreage Fee will not be refunded. Both fees must be included in any resubmission, even for the exact same project.

IV. Technical Review (Application Manager)

Applications will be reviewed in order of priority as determined under the PRP/PDG Policy; in the event of a conflict, the matter will be resolved by the DEP Program Manager. After the application has been deemed complete (Section III.C), the DEP/CCD Application Manager will conduct the First Technical Review in accordance with Section IV.A below. Technical Review of Individual NPDES Permit applications will be documented on the Individual NPDES Permit Fact Sheet.

If the PDG was not voided during the Completeness Review, DEP will have 107 business days from when the application is deemed complete to make a tentative permit decision.

A. First Technical Review.

The review period objective for the First Technical Review is 47 business days.

1. New Applications

- a. Erosion and Sediment Control (E&S) Plan Technical Review – Application Managers will conduct a technical review of all E&S Plans for new applications utilizing either the Standard E&S Control Plan Technical Review Checklist or the Expanded E&S Control Plan Technical Review Checklist as contained on pages 357 or 360 (depending on the reviewer’s knowledge and experience), respectively, of the [Erosion and Sediment Pollution Control Program Manual](#) (E&S Manual). Documentation of the use of the checklist will be identified in the Individual NPDES Permit Fact Sheet and the completed checklist will be attached to the Individual NPDES Permit Fact Sheet.
- b. Post-Construction Stormwater Management (PCSM) Plan Technical Review (Delegated CCD or DEP) – The Application Manager (DEP unless the CCD is PCSM-delegated) will conduct a technical review of the PCSM Plan using the PCSM Plan Technical Review Checklist in the Individual NPDES Permit Fact Sheet.

E&S and PCSM Plan technical reviews will be conducted concurrently, as applicable.

2. **Renewal Applications** – Because the E&S and PCSM Plans cannot be revised by a renewal, there is no need for a Technical Review to be performed on the E&S and PCSM Plans.
3. **Amendment Applications** – If necessary, the Application Manager will perform the Technical Review on the amended E&S and/or PCSM Plans in accordance with Section IV.A.1 above.

B. Determination – The application does not contain technical deficiencies.

If the application, including E&S and PCSM Plans, does not contain technical deficiencies, the Application Manager or DEP/CCD administrative staff will complete the steps below and proceed to Section VI.

1. If a CCD is the initial recipient of the application, the CCD Application Manager will notify the DEP Application Manager or Permits Chief through email that there were no technical deficiencies with the E&S Plan and, if PCSM-delegated, the PCSM Plan. The CCD will update a record of the application in an electronic system to include the date when the technical review was completed.
2. The DEP Application Manager will enter the End Date for the open “ER” subtask as the date that the first technical review was completed.

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C. Determination – The application contains minor technical deficiencies.

1. If the application, including E&S and/or PCSM Plans, contains technical deficiencies that are determined to be minor (i.e., an item that in the CCD and/or DEP Application Manager's judgment can be corrected within two (2) business days), the DEP Application Manager will contact the applicant (or the applicant's authorized representative) by phone to explain the technical deficiency and offer the opportunity to submit the necessary materials informally by the end of the second business day. The DEP Application Manager may or may not (at the DEP Application Manager's discretion) follow up the phone call with an email to the applicant and/or consultant.

NOTE 16 – The DEP Application Manager should attempt to communicate with the applicant directly. Where this fails, the DEP Application Manager may attempt to communicate with the consultant, if any. This contact can include an email to the applicant, with the consultant copied, which identifies the deficiencies and the deadline to respond.

- a. If a CCD is the initial recipient of the application, the CCD Application Manager will provide the DEP Application Manager or Permits Chief with a list of the minor technical deficiencies identified in the E&S and/or PCSM Plans.
 - b. The DEP Application Manager will enter the subtask "PPC" into eFACTS to identify the phone call. The Begin Date will be the date of the phone call and the Due Date will be the date that the information is to be submitted. The End Date will either be the date the response is received or the date of the technical deficiency letter (as described in Section IV.D).
2. A phone log will be kept that details the name of the person contacted, the day and time of the conversation, and notes for all communications regarding the technical review. All phone logs will be retained with the application file during and following final action on the application, or otherwise a database or spreadsheet will be used and made accessible to allow others to check latest correspondence for a case if the DEP Application Manager is out of the office.
 3. In the event the DEP Application Manager is unable to contact the applicant or consultant by phone after two attempts, or if a phone message is not returned after two business days, the DEP Application Manager will proceed to Section IV.D.
 4. After the necessary materials have been received (receipt by email or fax is acceptable except when original signatures, plans or seals are needed), and assuming the minor technical deficiencies have been addressed, the DEP Application Manager will follow the steps in Section IV.B, above.
 5. If a submission is not received or if a submission is received but does not correct the original minor technical deficiencies, the DEP Application Manager will proceed to Section IV.D.

D. Determination – The application contains technical deficiencies.

1. If the application, including E&S and PCSM Plans, contains technical deficiencies or if the applicant does not respond to or correct the minor technical deficiencies, the DEP Application Manager will prepare and send a **Technical Deficiency Letter (30)**, which will be signed by the DEP Program Manager/Permits Chief.

NOTE 17 – Only one (1) technical deficiency letter will be sent.

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NOTE 18 – If the CCD is not PCSM-delegated, the CCD Application Manager will provide the DEP Application Manager or Permits Chief with a list of the technical deficiencies with the E&S Plan, including the statutory or regulatory citations, through email.

NOTE 19 – If the CCD is PCSM-delegated, the CCD Application Manager will prepare the technical deficiency letter and send it to the DEP Application Manager or Permits Chief, through email. The technical deficiency letter will always be signed by the DEP Program Manager/Permits Chief for Individual NPDES Permits.

- a. If an application is determined to have technical deficiencies, the PDG will be void, if not otherwise previously voided.
- b. The technical deficiency letter will cite the statutory or regulatory requirement(s) that were not met.
- c. Where a CCD is the initial recipient of an application, the CCD will update a record of the application in an electronic system to include the date the technical deficiency letter is transmitted.
- d. The DEP Application Manager will enter the subtask “SDN” into eFACTS. The Begin Date will be the date of the technical deficiency letter and the Due Date will be the date that the response to the letter is to be submitted. The End Date will either be the date the response is received, the date of the withdrawal or the date the application enters the Elevated Review.
- e. The applicant will be given 30 calendar days to respond unless otherwise warranted based on consultation with the DEP Program Manager/Permits Chief. This 30 calendar-day period is referred to as the deficiency correction period. If the applicant does not respond within the deficiency correction period, the Application Manager will proceed to Section IV.D.5, below.
- f. The applicant may request, in writing, to extend the time to respond beyond the initial deficiency correction period. The request must identify the additional amount of time to respond and the justification/reason for the extension. If a request is submitted, the DEP Application Manager will coordinate with the DEP Permits Chief or Program Manager to decide whether to grant the extension. The DEP Application Manager will prepare and send the ***Extension Request Letter (11)***, which will be signed by the DEP Program Manager/Permits Chief. Unless otherwise warranted based on consultation with the DEP Program Manager/Permits Chief, the time to respond will not exceed an additional 15 calendar days.

NOTE 20 – In order for the extension request to be considered, the justification must relate to the technical deficiencies identified and not related to revisions to the plan/project from another approving agency (e.g., municipality, PennDOT, etc.). If the extension request is related to another approving agency’s comments, the request will not be granted and the applicant should consider withdrawing their application.

- i. Where a CCD is the initial recipient of an application, the CCD will update a record of the application in an electronic system to include the date of the extension request letter, whether the extension was granted or not, and the new date of when the response is due.
- ii. The DEP Application Manager will create the “SREL” subtask in eFACTS. The Begin Date will be the of the requested extension, the Due Date will be the response date the response is due and the End Date will be the date of extension request letter. A

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comment will be added to the “SREL” subtask identifying if the requested was granted or not. If the request is granted, the “SDN” Due Date will be updated to the new due date of the response.

2. The DEP Application Manager will publish public notice and transmit a draft permit to the applicant indicating a tentative decision to issue the permit (in accordance with Section VI) at the time the technical deficiency letter described in paragraph D.1 above is sent when the DEP Program Manager and/or Permits Chief determines the conditions in paragraphs a through c below are satisfied:
 - a. The technical deficiencies can be addressed adequately within the deficiency correction period without a substantive re-design to the project or project BMPs. Examples of technical deficiencies that would typically not include a substantive re-design include, but are not limited to, the following:
 - Utilities or rights-of-way are not identified on PCSM Plan Drawings;
 - A standard rock construction entrance is proposed but cannot be used because the project is located in an impaired watershed and must use Antidegradation Best Available Combination of Technologies (ABACT) BMPs
 - A BMP such as a turbidity curtain is discussed in E&S Module 1 but is not identified on E&S Plan Drawings;
 - Critical stages of construction for all PCSM BMPs are not identified;
 - Items are missing from the construction sequence;
 - A line type was not identified properly in the legend of a Plan Drawing;
 - Riprap apron calculations are incorrect, and a different rock size may be needed; and
 - Off-site support areas are known but were not identified on Plan Drawings.
 - b. It is likely that following receipt of the applicant’s response to the technical deficiency letter, DEP would move forward to issuance of a final permit (i.e., Elevated Review as described in Section V is unlikely to occur).
 - c. Site-specific special conditions will not be necessary for the final permit or such conditions can be developed and included in the draft permit.
 - d. If the conditions in paragraphs 2.a through 2.c above are not satisfied, a technical deficiency letter will be sent to the applicant without a draft permit. Technical deficiencies that would not satisfy condition (a) and would likely require a substantive re-design to the project or project BMPs include, but are not limited to, the following:
 - There was insufficient infiltration testing and the use of Managed Release Concept (MRC) BMPs cannot be assumed based solely on the site being located in a karst region
 - An E&S BMP is being proposed as an alternative BMP that has not been properly reviewed and approved
 - A PCSM BMP is identified on Plan Drawings in an area that was identified in the PNDI receipt as an area to avoid;
 - Riparian buffer impacts will occur and an equivalency demonstration or offsetting proposal was not provided
 - Wetlands on the project site that will receive runoff were not identified or evaluated
 - The peak rate calculations do not analyze a 24-hour storm event
 - The application did not properly identify potential soil pollutants based on past site use and/or spills.

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3. If a submission is received (receipt by email or fax is acceptable except when original signatures, plans or seals are needed) within the deficiency correction period the DEP Application Manager will follow the steps in Section IV.E, below.
4. If the applicant voluntarily elects to withdraw the application in writing, the Application Manager will prepare and send the **Voluntary Withdrawal Letter (33)**, which will be signed by the DEP Program Manager/Permits Chief.
 - a. Where a CCD is the initial recipient of an application, the CCD will update a record of the application in an electronic system to include the date the withdrawal letter is transmitted.
 - b. DEP administrative staff or the DEP Application Manager will close the COMPL task and subtask by entering the End Date as the date the deficiency correction period ended, dispose the authorization in eFACTS by selecting “Withdrawn” for the disposition code, and enter the date of the withdrawal letter in the field for date disposed.
 - c. DEP/CCD will retain one copy of the application package and the withdrawal letter in its official files for a period no less than 60 days. After the 60 days, the file may be purged with only the withdrawal letter retained.

NOTE 21 – If an application is withdrawn, no *Pennsylvania Bulletin* notice is required.

NOTE 22 – If an application is withdrawn, the Base Administrative Filing Fee (\$1,500) and Disturbed Acreage Fee will not be refunded. However, the Disturbed Acreage Fee does not have to be re-paid upon submission of a new application for the exact same project (whether or not it is the same applicant). A new Base Administrative Filing Fee (\$1,500) must however be paid for a new application.

5. If the applicant does not respond to the technical deficiency letter by the deadline provided, the DEP Application Manager will consider the application to be withdrawn, and DEP/CCD will follow the steps in paragraph D.4, above, except the **Deemed Withdrawn Letter (05)** will be sent.

E. Second Technical Review.

If a submission is received by the end of the deficiency correction period, the Second Technical Review process will begin. The review period objective for the Second Technical Review is 22 business days.

1. The DEP Application Manager will enter a new “ER” subtask, with the Begin Date of when the response submission was received and the Due Date will be 22 business days from the receipt of the response submission. The End Date will be when the second technical review has been completed.
2. The CCD and/or DEP Application Manager will conduct a technical review of the revised application, including E&S and/or PCSM Plans, in accordance with Section IV.A, above.
3. If the revised application, including E&S and/or PCSM Plans, does not contain technical deficiencies, the CCD and/or DEP Application Manager will follow the steps in Section IV.B, above.
4. If the revised application, including E&S and/or PCSM Plans, contains technical deficiencies that are determined to be minor (i.e., an item that in the CCD and/or DEP Application Manager’s judgment can be corrected within two business days), the DEP Application Manager will follow the steps in Section IV.C, above.

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5. If the revised application, including E&S and/or PCSM Plans, contains technical deficiencies that are determined to be significant or if the applicant does not respond to or correct the minor technical deficiencies, the DEP Application Manager will proceed to Section V.

The DEP Application Manager will enter the “ELEV” subtask in eFACTS. The Begin Date will be the date of when the DEP Application Manager identifies the elevated review to the DEP Program Manager and the Due Date will be 10 business days after the Begin Date. The End Date will be the date of when a decision is made on the application.

6. If the response to a technical deficiency letter results in a substantive re-design of the project or project BMPs (changes significant enough such that DEP would categorize the resubmission as a new application), or results in new or relocated discharge points, and a draft permit was previously issued, the DEP Program Manager and/or Permits Chief will do one of the following:
 - a. Contact the applicant and request that the applicant voluntarily withdraw the application; or
 - b. Notify the applicant that DEP/CCD will return to the initial technical review phase (Section IV A) and will make a new tentative decision on the application, issue a new draft permit, update the fact sheet, republish notice in the *Pennsylvania Bulletin*, and repeat applicable steps of the process in Section VI.

V. Elevated Review Process (Application Manager & DEP Program Manager and Permits Chief)

If the response to a technical deficiency letter does not correct the technical deficiencies, the application will move to the Elevated Review Process. The applicant can also request the Elevated Review Process at any time during the Technical Review of the application. The Elevated Review Process will be as follows:

- A. The DEP Application Manager will coordinate with the CCD Application Manager as necessary to prepare and transmit the **Notice of Elevated Review Memo (21)** to DEP’s Program Manager and Permits Chief. The notice of elevated review memo will identify all technical deficiencies and will cite the statutory or regulatory requirement(s) that were not met. Where a CCD is the initial recipient of an application, the CCD will update a record of the application in an electronic system to include the date when the notice of the elevated review memo was sent to DEP’s Program Manager.
- B. DEP/CCD staff will discuss and agree on next steps, which may include making a permit decision, scheduling a meeting or call with the applicant and their consultant, and/or providing an additional opportunity to correct technical deficiencies through the transmission of a **Notification of Elevated Review Letter (19)**.
 1. If a permit decision will be made, the DEP Application Manager will proceed to Section VI.
 2. If a meeting will be held, the DEP Application Manager will proceed to Section V.C.
 3. If a notification of elevated review letter will be sent without scheduling a meeting, the DEP Application Manager will proceed to Section V.D.
- C. If a meeting will be held, the DEP Application Manager will schedule the Elevated Review with the applicant and then send a **Notice of Elevated Review Meeting Letter (20)**, signed by the DEP Program Manager/Permits Chief, to the applicant as early as possible before the meeting.

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1. The applicant and their consultant should review the notice of elevated review meeting letter and come to the meeting prepared to discuss resolution of the technical deficiencies. A response submission is not expected or encouraged for the meeting.
 2. The attendees at the meeting should include the DEP Program Manager, the DEP Application Manager, the CCD Manager (if the CCD is the initial recipient of the application), the applicant, and the applicant's consultant, at a minimum.
 3. If the meeting results in an agreement to resolve the technical deficiencies, the applicant will be given 10 business days from the date of the meeting to provide a response. The DEP Regional Director may provide the applicant with up to an additional 10 business days to respond upon receipt of a written request from the applicant.
 4. If the meeting results in no agreement to resolve the technical deficiencies, DEP's Program Manager will consult with the Bureau of Clean Water Director and, as necessary, the Deputy Secretaries of Water Programs and Field Operations, to arrive at a decision on the application. Once the decision is communicated to the DEP Application Manager, the DEP Application Manager will proceed to Section VI or otherwise conduct additional steps at the direction of DEP's Program Manager.
- D. If a notification of elevated review letter will be sent, it will be signed by the DEP Program Manager/Permits Chief.
1. The notification of elevated review letter will cite the statutory or regulatory requirement(s) that were not met.
 2. The applicant will be given 10 business days to respond. If the applicant does not respond within the 10 business days, the DEP Application Manager will proceed to Section VI. If the applicant responds within 10 business days, the DEP Application Manager will consult with the DEP Program Manager and Permits Chief on the response and proceed to Section VI.
- E. If a submission is received and all technical deficiencies have been corrected, the Application Manager will proceed to Section VI. The Application Manager will (in the "DEP/CCD Use Only" box on the first page of the application) identify the Date of Resubmission Received.

VI. Tentative Permit Decision

Following the technical review of applications, the DEP/CCD Application Manager will complete the following steps.

A. Complete Fact Sheet.

1. If a CCD is the initial recipient of an application, the CCD Application Manager will complete the general information, Application Completeness Review Checklist, E&S Technical Review Checklist and, if the CCD is PCSM-delegated, the PCSM Technical Review Checklist of the Individual NPDES Permit Fact Sheet contained in Attachments B or C (as applicable) of this SOP.
 - a. The CCD Application Manager and the CCD Manager or Supervisor will sign the Fact Sheet and provide an electronic copy of the Fact Sheet to the DEP Application Manager or Permits Chief following the CCD Application Manager's technical review of the application.

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- b. The DEP Application Manager will complete any remaining portions and sign the Fact Sheet. Site-specific permit conditions will be identified and explained in the Fact Sheet, if applicable.
 2. If DEP is the sole recipient of an application, the DEP Application Manager will complete the Fact Sheet in full, identifying and explaining any site-specific permit conditions, and sign the Fact Sheet.
- B. Prepare Tentative Denial Letter or Draft Permit Package.
 1. If a tentative decision is made to deny the application, the DEP Application Manager will:
 - a. Prepare the **NPDES IP Draft Permit Letter – Denial (23)** letter (tentative denial letter), which will be reviewed and signed by the DEP Program Manager or Permits Chief and then sent to the applicant.
 - b. Prepare a notice which should be published in the special notices section of the *Pennsylvania Bulletin* or as otherwise determined by the DEP regional office using the **Tentative Denial Public Notice (34)** template.
 - c. Enter a “PL” subtask into eFACTS with the Begin Date as the date of the pre-denial letter and the End Date as 30 days following publication of the notice in the Pennsylvania Bulletin.
 2. If a tentative decision is made to issue the permit, the DEP Application Manager will prepare the draft permit package, including the following documents:
 - a. The draft permit using the Individual NPDES Permit for Discharges of Stormwater Associated with Construction Activities (3800-PM-BCW0408d) template. A “DRAFT” watermark will be placed on all pages of the draft permit, the effective and expiration dates on page 1 will be left blank, and the DEP Program Manager will not sign the draft permit.

NOTE 23 – No modifications may be made to Parts A and B of the Individual NPDES Permit templates without prior approval of DEP’s Bureau of Clean Water.
 - b. If there are no technical deficiencies, the **NPDES IP Draft Permit Letter – Issue (24)** letter. If there are technical deficiencies (that would not involve a substantive re-design as explained in Section IV.D.2 above), the DEP Application Manager should use the **NPDES IP Draft Permit and Technical Deficiency Letter – Issue (36)** The applicable letter will be reviewed and signed by the DEP Program Manager or Permits Chief.
 - c. A public notice for posting by the applicant, which is to be included as an attachment to the draft permit cover letter, using the **Draft Permit Public Notice for Posting (35)** template.
 - d. The Individual NPDES Permit Fact Sheet.
 3. DEP administrative staff or the DEP Application Manager will enter a “DP” Subtask Begin Date in eFACTS as the date the draft permit was transmitted to the applicant. If the Public Notice will be submitted to the PA Bulletin Solution on a deadline date then backdate the “DP” Subtask Begin Date by one day.
 4. The DEP Application Manager will provide the Fact Sheet and tentative denial letter or draft permit package to the DEP Program Manager or Permits Chief for review and approval. When approved, the DEP Program Manager or Permits Chief will sign the fact sheet and the tentative denial letter or the draft permit cover letter.

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NOTE 24 – A draft Individual NPDES Permit or tentative denial letter cannot be issued until the DEP Program Manager or Permits Chief signs the Fact Sheet.

5. If a tentative decision is made to deny the application, DEP administrative staff or the DEP Application Manager will mail the tentative denial letter to the applicant via certified mail or other means to ensure receipt by the applicant. DEP administrative staff or the DEP Application Manager will also transmit a copy of the tentative denial letter to the applicant's consultant (if applicable), the CCD (if applicable), and the municipality by mail (does not need to be certified) or email.
6. If a tentative decision is made to issue the permit, DEP administrative staff or the DEP Application Manager will mail or email the full draft permit package (see paragraph B.2 above) to the applicant. DEP administrative staff or the DEP Application Manager will also transmit a copy of the draft permit cover letter (at a minimum) by mail or email to the applicant's consultant (if applicable), the CCD (if applicable), and the municipality.
7. DEP administrative staff or the DEP Application Manager will submit notice of draft permits to the [PA Bulletin Solution](#) under Template Type: 01_Applications, Template Sub Type: 01_NPDES_Federal, and Template Name: 03_##_NPDES_102_Stormwater_Individual using the information in the **Draft Permit Public Notice for Posting (35)** template. Notice of tentative denials will be submitted under Template Type: 03_Special_Notice, Template Sub Type: 01_Water_Programs, and Template Name: 01_##_Water_Programs by uploading the **Tentative Denial Public Notice (34)**.

NOTE 25 – This publication into the *Pennsylvania Bulletin* will satisfy the requirements of 25 Pa. Code §§ 92a.82(a) and 92a.82(b) (i.e., notification to the public of both the receipt of an application as well as DEP's tentative determination to issue a permit).

C. Following Public Comment Period.

1. No Applicant or Public Comments Received.

If no applicant or public comments are received within the 30-day comment period following publication in the *Pennsylvania Bulletin*, the DEP Application Manager will check the appropriate box on the Fact Sheet and proceed to Section VII.

2. Applicant and/or Public Comments are Received.
 - a. The DEP Application Manager will review the comments received from the applicant (or the applicant's consultant) and decide whether the draft permit should be modified as a result of the comments. The DEP Application Manager will consult with the DEP Program Manager and Permits Chief, as necessary. Upon final decision, the applicant's comments will be addressed in the final permit decision letter. In general, DEP Bureau of Clean Water should be contacted for assistance where comments concerning the standard language of the permit are made. The DEP Application Manager will check the appropriate box on the Fact Sheet concerning the receipt of applicant comments and proceed to Section VII.
 - b. The DEP Application Manager will review the comments received from the public. In general, if there are five or more independent requests (from separate individuals or organizations that may be affected by issuance of a final permit) for a public hearing under 25 Pa. Code § 92a.82(d) for non-EV surface waters or at least one request for EV surface waters, or if the DEP Program Manager otherwise determines that there is "significant public interest" in holding a public hearing, the DEP Application Manager will coordinate with the DEP Regional Community Relations Coordinator to schedule a public hearing and comply with 25 Pa. Code § 92a.83 concerning public notice. Following the hearing and

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receipt of the hearing transcript, the DEP Application Manager will prepare a Comment-Response document that addresses all comments received during the public comment period and hearing. The Comment-Response document will be attached to the final permit decision letter.

- i. If public comments are received and a public hearing is not held, the DEP Application Manager will review the comments and decide whether the draft permit should be modified as a result of the comments. The DEP Application Manager will consult with the DEP Program Manager and Permits Chief, as necessary. A Comment-Response document will not be prepared unless determined otherwise by the DEP Program Manager. However, the Fact Sheet will be updated to summarize public comments and explain how they were considered in the final decision.
 - ii. If a Comment-Response document is prepared, a copy of the document and the final permit cover letter will be mailed to all commenters.
- c. If the DEP Program Manager determines that there is significant public interest in the project and substantive changes have been made to the project design or project BMPs since the notice of the draft permit was published, then DEP may opt to make a new tentative decision on the application, issue a new draft permit, update the fact sheet, republish notice in the *Pennsylvania Bulletin*, and repeat any other applicable steps described above in this section.
- D. The DEP Application Manager will check the appropriate box on the Fact Sheet and proceed to Section VII.

VII. Permit Decision and Final Processing (Application Manager and DEP/CCD Manager)

A. Decision – Issue Final Permit.

DEP/CCD may not issue a final permit until the 30-day public comment period has ended.

1. The Application Manager will prepare the ***NPDES IP Issuance Letter (25)*** (final permit cover letter) and the final Individual NPDES Permit. Both of these documents will be signed by the DEP Manager. The DEP Application Manager or DEP administrative staff will transmit permit documentation as follows:
 - a. Permittee (if there is more than one permittee, each permittee will receive the information):
 - Original final permit cover letter, signed by the DEP Program Manager;
 - Final Individual NPDES Permit, signed by the DEP Program Manager, where the issuance date will be the date of planned issuance, the effective date will be the same date as the issuance date, and the expiration date will generally be five years minus one day following the effective date;
 - One (1) set of the stamped approved E&S Plan Drawing(s) and E&S Module 1;
 - One (1) set of the approved PCSM Plan Drawing(s) and PCSM Module 2;
 - One copy of the approved Antidegradation Analysis Module 3 and Riparian Buffer Module 4, as applicable;
 - The [Chapter 102 Visual Site Inspection Report](#) form (DEP Document No. 3800-FM-BCW0271d);
 - The [Co-Permittee Acknowledgement Form for Chapter 102 Permits](#) (DEP Document No. 3800-FM-BCW0271a) and Instructions; and

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- The [Notice of Termination for Chapter 102 Permits](#) (DEP Document No. 3800-FM-BCW0229b).
 - If applicable, the [PA Stream Buffer Tracking Form](#) (DEP Document No. 3000-FM-OWP0100).
- b. Permittee’s Consultant and Municipalities (if there is more than one municipality, each municipality will receive the information): Copy of the final permit cover letter and copy of page 1 of the final Individual NPDES Permit.
 - c. CCD Office: copy of the final permit cover letter and copy of the final Individual NPDES Permit (may be submitted electronically).
 - d. DEP Bureau of Clean Water (via RA-102PermitForms@pa.gov): electronic copies of the approved application, the final permit cover letter, the final Individual NPDES Permit, PCSM Module 2, and Riparian Buffer Module 4.
2. The Application Manager will record the Issuance Date, Effective Date and the Expiration Date in the “DEP/CCD Use Only” box on the first page of the application.
 3. If a CCD is the initial recipient of an application, CCD administrative staff will:
 - a. Record the issuance date, effective date and expiration date into an electronic data system within 5 business days of the final action.
 - b. Record the Individual NPDES Permit in EPA’s ICIS database within 15 business days of the final action.
 4. The DEP Application Manager or administrative staff will:
 - Close all tasks and subtasks in eFACTS using End Dates corresponding to the date of the final decision to issue a final Individual NPDES Permit.
 - Dispose the authorization in eFACTS by entering the issuance date in the “Date Disposed” field, the effective date in the “Effective” field, and the expiration date in the “Expires” field, and selecting “ISSUE” for the disposition. **Do not** back date the “Date Disposed.”
 5. The application file (including all supporting documentation such as the Fact Sheet) will be retained at DEP’s office in accordance with DEP’s record retention schedule for Chapter 102 permits.
- B. Decision – Deny Application.

If, during the 30-day comment period after notice of a tentative denial of an application is published in the *Pennsylvania Bulletin*, DEP receives information that results in a change to the tentative decision from denial to issuance, the DEP Application Manager will return to Section VI. Otherwise, DEP will proceed to deny the application as described below. DEP/CCD may not deny an application in which a tentative denial of an application is published until the 30-day public comment period has ended.

1. The DEP Application Manager will prepare the **NPDES IP Denial Letter (22)** (denial letter). The letter will be sent to and signed by the DEP Program Manager. The letter will identify the statutory and regulatory requirement(s) that have not been met, and respond to any comments provided by the applicant during the comment period.

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2. The DEP Application Manager will check the appropriate box for “Denied” and record the date of the denial letter in the “DEP/CCD Use Only” box on page 1 of the application.
3. Where a CCD is the initial recipient of an application, the CCD will update a record of the application in an electronic system to include the date the denial letter is transmitted.
4. The DEP Application Manager or administrative staff will prepare a *Pennsylvania Bulletin* notice of the denial and update eFACTS as follows:
 - a. Complete the “COMPL” subtask, by entering the End Date as the date of the denial letter.
 - b. Enter a “DENC” subtask, with Begin, Due and End Dates as the date of the denial letter.
 - c. Dispose the authorization in eFACTS by selecting “Denied” for the disposition code and enter the date of the denial letter in the field for date disposed.
5. DEP/CCD will retain one copy of the application package and denial letter in its official files for a period no less than 90 days.

NOTE 26 – If an application is denied, a *Pennsylvania Bulletin* notice is required, which should be published in the special notices section of the *Pennsylvania Bulletin* or as otherwise determined by the DEP regional office.

NOTE 27 – If an application is denied, the Base Administrative Filing Fee (\$1,500) and Disturbed Acreage Fee will not be refunded. Both fees must be included in any resubmission, even for the exact same project.

ATTACHMENT A

**CHAPTER 102 PRE-APPLICATION
MEETING RECORD FORM**



CHAPTER 102 PRE-APPLICATION MEETING RECORD FORM

Project Site Name:	
Applicant Name:	
Meeting Date:	Time:
Meeting Location:	<input type="checkbox"/> Conference Call
Application Manager Name (if known):	
Meeting Attendees:	
Name	Company/Organization / Contact Information
Recommended Agenda:	
<ul style="list-style-type: none"> I. Introductions II. Overview of Permit Review Process (DEP/CCD) III. DEP/CCD expectations IV. Overview of Permit Decision Guarantee (DEP/CCD, if applicable) V. Project overview (Applicant/Consultant) <ul style="list-style-type: none"> a. Brief description of project b. Identification on unique site features on the Project Site 	

c. Identification of status of design; including potential E&S and PCSM BMPs

d. Status of PNDI Search

VI. Identification of required Chapter 102 Permit (DEP/CCD)

VII. Review NOI/Application forms and Instructions (DEP/CCD)

VIII. Discussion of common completeness and technical deficiencies (DEP/CCD)

IX. Questions and answers

X. Next steps (DEP/CCD)

Meeting Notes:

Handouts Provided by DEP During Meeting:

Name of DEP/CCD Representative Recording Notes:

Date Record Form Provided to Applicant:

ATTACHMENT B

**INDIVIDUAL NPDES PERMIT
FACT SHEET**



(DISTRICT OR DEP OFFICE NAME)

**CHAPTER 102 INDIVIDUAL NPDES PERMIT
FACT SHEET**

Application No. _____

The checklists contained in this fact sheet are intended to provide guidance to staff reviewing the application but are not intended to be inclusive of all administrative and technical considerations; staff may supplement the information on this checklist with additional factors prescribed under regulations.

Applicant and Project Information	
Applicant Name: _____	Project Name: _____
Applicant Address: _____	Project Address: _____
_____	_____
Municipality: _____	County: _____
Receiving Water(s): _____	Ch. 93 Class: _____
Date Application Received: _____	Earth Disturbance: _____ acres
Application Type: (New / Renewal / Amendment)	_____
Project Description: _____	_____

Application Completeness Review Checklist

COMPLETENESS ITEM	TRUE	FALSE	N/A
1. 102.6(a)(1) – One original and one copy of the complete application form (3800-PM-BCW0408b) were submitted and were completed as instructed in the Application Instructions (3800-PM-BCW0408a).	<input type="checkbox"/>	<input type="checkbox"/>	
2. 102.6(a)(1) – One original and one copy of the complete GIF (0210-PM-PIO0001).	<input type="checkbox"/>	<input type="checkbox"/>	
3. 102.6(a)(1) – Two copies of County and Municipal Notification Forms (3800-FM-BCW0271b and 3800-FM-BCW0271c, respectively) with county and municipal signatures or proof that the county and municipality received the forms were submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. 102.6(a)(2) – Two copies of the PNDI receipt (draft receipts not acceptable), which will not expire prior to anticipated authorization of permit coverage, were submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. 102.6(a)(1) – One original and two copies of the complete E&S Module 1 (3800-PM-BCW0406a) were submitted and were completed as instructed in the Application Instructions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. 102.4(b)(5)(ix) – Details were provided for all E&S BMPs (Question 5 of E&S Plan Information) (can be provided on the E&S Plan Drawings).	<input type="checkbox"/>	<input type="checkbox"/>	
b. 102.4(b)(5)(viii) – Standard E&S Worksheets from the E&S Manual (or their equivalent) were attached.	<input type="checkbox"/>	<input type="checkbox"/>	

Approve	Deny	Signature	Date
<input type="checkbox"/>	<input type="checkbox"/>	CCD Application Manager Name	
<input type="checkbox"/>	<input type="checkbox"/>	CCD Professional Engineer (if CCD is PCSM Delegated)	
<input type="checkbox"/>	<input type="checkbox"/>	CCD Manager Name	
<input type="checkbox"/>	<input type="checkbox"/>	DEP Application Manager Name	
<input type="checkbox"/>	<input type="checkbox"/>	DEP Permits Chief / Program Manager Name	

Application Completeness Review Checklist (continued)

c.	102.4(b)(5)(viii) – Supporting E&S calculations were provided (for any calculation not handled by a Standard E&S Worksheet or an equivalent).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	102.4(c) – An Off-site Discharge Analysis was provided, if applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	102.4(b)(5)(v) – If hydric soils are present, a wetland determination was submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	102.4(b)(5)(ix) – Three sets or copies of E&S Plan Drawing(s) were submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a.	102.4(b)(5)(i) – The Drawing(s) include existing and proposed topography (including any temporary contours) with appropriate contour labels.	<input type="checkbox"/>	<input type="checkbox"/>	
b.	102.4(b)(5)(iii) – The Drawing(s) include the project site boundary.	<input type="checkbox"/>	<input type="checkbox"/>	
c.	102.4(b)(5)(iii) – The Drawing(s) include the limit of earth disturbance within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	
d.	102.4(b)(5)(v) – The Drawing(s) show receiving surface water(s) and watershed boundaries, if applicable, within the project site and floodway or floodplain.	<input type="checkbox"/>	<input type="checkbox"/>	
e.	102.4(b)(5)(ix) – The Drawing(s) identify all discharge points.	<input type="checkbox"/>	<input type="checkbox"/>	
f.	102.4(b)(5)(vi) – The Drawing(s) show the location of all BMPs and drainage areas to the BMPs as applicable.	<input type="checkbox"/>	<input type="checkbox"/>	
g.	102.4(b)(5)(iii) – The Drawing(s) show existing and proposed utilities and site improvements.	<input type="checkbox"/>	<input type="checkbox"/>	
h.	102.4(b)(5)(xv) – The Drawing(s) show existing and proposed riparian buffer(s), if applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i.	102.4(b)(5)(iii) – The Drawing(s) show proposed off-site support activities, if applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j.	102.4(c) – The Drawing(s) show the Avoidance Measures specified on the signed PNDI receipt, if applicable. ¹	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k.	102.4(b)(5)(vii) – The Drawing(s) provide for protection of infiltration PCSM BMPs until drainage areas are completely stabilized, if applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l.	102.4(b)(5)(vii) & 102.4(b)(5)(xii) – The Drawing(s) show the sequence of construction, an operation and maintenance (O&M) program, and procedures for recycling or disposing of materials (not necessary if a separate narrative is attached).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	102.6(a)(1) – One original and two copies of the complete PCSM Module 2 (3800-PM-BCW0406b) were submitted and were completed as instructed in the Application Instructions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a.	102.8(n) – The project qualifies as a Site Restoration Project. ²	<input type="checkbox"/>	<input type="checkbox"/>	
b.	102.8(g)(1) – A pre-development site characterization was provided (i.e., soils and geotechnical testing results and narrative of methods and results).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	102.8(g)(1) – Soil/geologic test results were attached.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	102.8(f)(8), 102.8(g)(2) & 102.8(g)(4) – Printout of DEP's PCSM Spreadsheet – Volume Worksheet was attached. ³	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	102.8(f)(8), 102.8(g)(2) & 102.8(g)(4) – Stormwater Analysis – Runoff Volume Questions 5 – 9 were answered and supporting calculations were provided. ³	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	102.8(f)(8), 102.8(g)(3) & 102.8(g)(4) – Printout of DEP's PCSM Spreadsheet – Rate Worksheet was attached. ⁴	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g.	102.8(f)(8), 102.8(g)(3) & 102.8(g)(4) – Stormwater Analysis – Peak Rate Questions 5 – 9 were answered and supporting calculations were provided. ⁴	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Application Completeness Review Checklist (continued)

h.	102.8(f)(8), 102.8(g)(2) & 102.8(g)(4) – Printout of DEP’s PCSM Spreadsheet – Quality Worksheet was attached.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i.	102.11(b) – If Managed Release Concept (MRC) BMPs were proposed, MRC Design Summary Sheets were provided for each BMP and were sealed by a professional engineer.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	102.8(f)(9) – Three sets or copies of PCSM Plan Drawing(s) were submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a.	102.8(f)(1) – The Drawing(s) include existing and proposed topography with appropriate contour labels.	<input type="checkbox"/>	<input type="checkbox"/>	
b.	102.8(f)(3) – The Drawing(s) include the project site boundary.	<input type="checkbox"/>	<input type="checkbox"/>	
c.	102.8(f)(3) – The Drawing(s) include the limit of earth disturbance within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	
d.	102.8(f)(5) – The Drawing(s) show receiving surface water(s) and watershed boundaries, if applicable, within the project site and floodway or floodplain.	<input type="checkbox"/>	<input type="checkbox"/>	
e.	102.8(f)(9) – The Drawing(s) identify all discharge points.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	102.8(f)(6) – The Drawing(s) show the location of all BMPs with identifiers cross-referenced to PCSM Module 2.	<input type="checkbox"/>	<input type="checkbox"/>	
g.	102.8(f)(9) – Details were provided for all PCSM BMPs (required for any PCSM BMP identified in Question 1 of PCSM Plan Information).	<input type="checkbox"/>	<input type="checkbox"/>	
h.	102.8(f)(3) – The Drawing(s) show existing and proposed utilities and site improvements.	<input type="checkbox"/>	<input type="checkbox"/>	
i.	102.8(f)(14) – The Drawing(s) show existing and proposed riparian buffer(s), if applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j.	102.8(f)(3) – The Drawing(s) show proposed off-site support activities, if applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k.	102.8(f)(15) – The Drawing(s) show the Avoidance Measures specified on the signed PNDI receipt, if applicable. ¹	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l.	102.8(f)(7) & 102.8(f)(10) – The Drawing(s) show the sequence of PCSM BMP implementation, a long-term operation and maintenance (O&M) schedule, procedures for recycling or disposing of materials, and critical stages of BMP implementation (not necessary if a separate narrative is attached).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m.	102.8(f)(2) – The Drawing(s) show sensitive features including sinkholes, surface depressions, soil contamination hot spots, and wetlands, if applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n.	102.8(g)(1) – The Drawing(s) show the location of test pits used for infiltration testing as cross-referenced to PCSM Module 2, Infiltration Information.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.	102.6(a)(1) – Three copies of the complete Antidegradation Analysis Module 3 (3800-PM-BCW0406c) were submitted and were completed as instructed in the Application Instructions if 1) there are proposed discharges to special protection waters, and/or 2) there are proposed discharges directly to waters impaired for siltation, sediment, turbidity, water/flow variability, flow alterations/modifications, or nutrients.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.	102.6(a)(1) – Three copies of the complete Riparian Buffer Module 4 (3800-PM-BCW0406d) were submitted and were completed as instructed in the Application Instructions if the earth disturbance or project site is within 150 feet of a perennial or intermittent river, stream, or creek, lake, pond or reservoir designated for special protection.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Footnotes:

- 1 If the PNDI receipt indicates "Avoidance Measures," the applicant must have signed the PNDI receipt and included the avoidance measures on the E&S and PCSM Plans; otherwise clearance letters must be included in the Application.
- 2 If the entire project meets 25 Pa. Code § 102.8(n), then responses to Questions 7.b – 7.h may be omitted.
- 3 The response to either Question 7.d or 7.e must be TRUE for the project to be deemed complete.
- 4 The response to either Question 7.f or 7.g must be TRUE for the project to be deemed complete.

Application Manager's Completeness Review Comments:

E&S Technical Review Checklist ^{1, 2}

TECHNICAL REVIEW ITEM	TRUE	FALSE	N/A
1. The Standard E&S Control Plan Technical Review Checklist is attached.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. The Expanded E&S Control Plan Technical Review Checklist is attached.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. 102.11(a)(1) – E&S BMPs have been designed in accordance with the E&S Manual.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. 102.11(b) – Where E&S BMPs have been designed with a deviation from the E&S Manual, such deviations were found to be consistent with 25 Pa. Code § 102.11(b).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. 102.11(b) – Alternative E&S BMPs are consistent with the Approved Alternative E&S BMP List .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. 102.2(b) – There will be discharges directly to waters impaired for siltation, sediment, turbidity, water/flow variability, flow alterations/modifications, or nutrients.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. 102.2(b) – The applicant has proposed E&S BMPs to treat such discharges consistent with a non-discharge alternative or ABACT.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Footnotes:

- 1 In addition to deficiencies identified through the use of the Standard or Expanded E&S Control Plan Technical Review Checklists, the Application Manager should consider an answer of FALSE a technical deficiency when both Questions 3 and 4 are FALSE, and when Questions 5 or 6.a are FALSE.
- 2 A technical review of the E&S Plan is not required for renewal Applications or for amendment Applications where there is no new earth disturbance.

Application Manager's E&S Technical Review Comments:

PCSM Technical Review Checklist ^{1,2}

TECHNICAL REVIEW ITEM	TRUE	FALSE	N/A
1. The CCD is not PCSM delegated.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. 102.11(a)(2) – PCSM BMPs have been designed in accordance with the BMP Manual.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. 102.11(b) – Where PCSM BMPs have been designed with a deviation from the BMP Manual, they were found to be consistent with 25 Pa. Code § 102.11(b).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. 102.11(b) – Alternative PCSM BMPs are consistent with the Approved Alternative PCSM BMP List .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. 102.2(b) – There will be discharges directly to waters impaired for siltation, sediment, turbidity, water/flow variability, flow alterations/modifications, or nutrients.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. 102.2(b) – The applicant has proposed PCSM BMPs to treat such discharges consistent with a non-discharge alternative or ABACT.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. 102.8(f)(1) – Existing topography of project site and immediate surrounding area were adequately explained (E&S Module 1, Question 1).	<input type="checkbox"/>	<input type="checkbox"/>	
7. 102.8(f)(2) – The types, depth, slope, locations and limitations of the soils and geologic formations were accurately characterized (E&S Module 1, Question 2).	<input type="checkbox"/>	<input type="checkbox"/>	
8. 102.8(f)(3) – Characteristics of the project site were adequately explained in terms of past (i.e., at least 50 years ago), present and proposed land uses (E&S Module 1, Question 3).	<input type="checkbox"/>	<input type="checkbox"/>	
9. 102.8(f)(4) – An adequate description (may be qualitative) of the volume and rate of runoff from the project site and any area upgradient of the project site that flows onto the project site has been provided (PCSM Module 2).	<input type="checkbox"/>	<input type="checkbox"/>	
10. 102.8(f)(5) – The locations of surface waters and their classifications under Chapter 93 have been identified on PCSM Plan Drawing(s) and in the Application.	<input type="checkbox"/>	<input type="checkbox"/>	
11. 102.8(f)(6) – All PCSM BMPs have been identified in PCSM Module 2 (PCSM Module 2, PCSM Plan Information, Question 1) and located on PCSM Plan Drawing(s).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. 102.8(f)(6) – PCSM BMP design details were provided on PCSM Drawing(s) and specifications for permanent stabilization were included on PCSM or E&S Plan Drawing(s) (E&S Module 1, Question 15, for stabilization only).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. 102.8(f)(7) – A sequence of PCSM BMP implementation in relation to earth disturbance activities and a schedule of inspections for critical stages of BMP implementation were provided (PCSM Module 2, PCSM Plan Information, Question 2).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. 102.8(f)(8) – Supporting calculations for the design of PCSM BMPs were provided and are technically sound.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. 102.8(f)(10) – A long-term O&M schedule for PCSM BMPs including BMP repair and maintenance activities was provided (PCSM Module 2, Long-Term O&M) and is consistent with the Stormwater BMP Manual or is otherwise technically sound.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. 102.8(f)(11) – Procedures ensuring proper measures for recycling or disposal of materials associated with or from PCSM BMPs were provided (PCSM Plan Drawings or PCSM Module 2, Long-Term O&M).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. 102.8(f)(12) – The applicant identified naturally occurring geologic formations or soil conditions that may have the potential to cause pollution and prepared a plan to avoid or minimize potential pollution (PCSM Module 2, PCSM Plan Information, Question 6).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. 102.8(f)(13) – The applicant has identified potential thermal impacts from post-construction stormwater and has proposed BMPs that will avoid, minimize or mitigate potential impacts (PCSM Module 2, PCSM Plan Information, Question 7).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PCSM Technical Review Checklist (Continued)

TECHNICAL REVIEW ITEM		TRUE	FALSE	N/A
19.	102.8(f)(14) – The applicant has proposed a riparian forest buffer, a riparian forest buffer management plan is attached, and is generally consistent with § 102.14.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20.	102.8(g) – A stormwater analysis was completed on a discharge point basis or on a watershed basis (i.e., all discharges to specific receiving waters analyzed collectively).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21.	102.8(g)(1) – A pre-development site characterization and assessment of soil and geology was conducted and is within the recommendations of Appendix C of the Stormwater BMP Manual or are otherwise technically sound.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22.	102.8(g)(2) – Calculations were provided to demonstrate the net change in volume up to the 2-year/24-hour storm event and the calculations are technically sound, or the PCSM Spreadsheet, Volume Worksheet was submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23.	102.8(g)(2) – A volume reduction standard contained in an approved and current Act 167 Plan was used, and the Application Manager has confirmed that 1) the Act 167 Plan was approved within the past five years, and 2) the standard from the Plan was applied appropriately.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24.	102.8(g)(2)(iv) – An alternative design standard has been proposed for managing the net change in volume and an adequate demonstration has been made that the alternative standard is at least as stringent as management of the net change up to the 2-year/24-hour storm.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25.	102.8(g)(2) – The PCSM Spreadsheet, Quality Worksheet was submitted, illustrating the net change in water quality (pollutant loading) up to the 2-year/24-hour storm event.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26.	102.8(g)(2)(i) – All existing non-forested pervious areas have been considered meadow in good condition or better (if exceptions at § 102.8(g)(2)(i) apply select "N/A") (PCSM Spreadsheet, Volume Worksheet or supporting calculations).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27.	102.8(g)(2)(ii) – 20% of existing impervious surfaces to be disturbed has been considered meadow in good condition or better (if exceptions at §§ 102.8(g)(2)(ii) or (iii) apply select "N/A") (PCSM Spreadsheet, Volume Worksheet or supporting calculations).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28.	102.8(g)(4) – The precipitation depth for the 2-year/24-hour storm event is based on NOAA Atlas 14 or other reputable sources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29.	102.8(g)(4) – Land covers and curve numbers have been appropriately determined to calculate pre- and post-construction runoff volumes and pollutant loadings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30.	102.8(g)(2) – Structural and non-structural BMPs were proposed that will eliminate or manage the net change in volume and pollutant loading up to the 2-year/24-hour storm event, and the calculations demonstrating this are technically sound or the PCSM Spreadsheet was used.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31.	102.8(g)(3) – Calculations were provided to demonstrate the net change in peak rates for the 2, 10, 50, and 100-year/24-hour storm events and the calculations are technically sound, or the PCSM Spreadsheet, Rate Worksheet was submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32.	102.8(g)(3) – Rate requirements contained in an approved and current Act 167 Plan were used, and the Application Manager has confirmed that 1) the Act 167 Plan was approved within the past five years, and 2) the standard from the Plan was applied appropriately.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33.	102.8(g)(3)(iii) – An alternative design standard has been proposed for managing the net change in peak rates and an adequate demonstration has been made that the alternative standard is at least as stringent as management of the net change for the 2, 10, 50, and 100-year/24-hour storm events.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
34.	102.8(g)(3) – Structural and non-structural BMPs were proposed that will eliminate or manage the net change in peak rates, and the calculations demonstrating this are technically sound or the PCSM Spreadsheet was used.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
35.	102.11(b) – Managed Release Concept (MRC) BMP(s) were proposed, MRC Design Summary Sheets were adequately completed, and MRC design standards have been met or alternative MRC design standards are considered technically sound.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
36.	102.8(b)(8) – There are wetlands on the project site and adequate efforts have been made to ensure no significant changes to pre-construction hydrology that would affect the wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
37.	102.14(d)(1), 102.14(f)(2) & 102.14(f)(3) – If Riparian Buffer Module 4 is completed, the project qualifies for an exception or is an allowed or allowable activity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PCSM Technical Review Checklist (Continued)

TECHNICAL REVIEW ITEM		TRUE	FALSE	N/A
38.	Act 162 – If Riparian Buffer Module 4 is completed, the project does not propose the use of a waiver, which is allowed only for E&S Permits.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
39.	102.14(b) – If Riparian Buffer Module 4 is completed, and a riparian forest buffer will be implemented, the riparian forest buffer meets the criteria in 25 Pa. Code § 102.14(b).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
40.	Act 162 – If Riparian Buffer Module 4 is completed, and an equivalency demonstration has been done, the equivalency demonstration is consistent with DEP guidance, and worksheets 12 and 13 from the BMP Manual and worksheets 14 and 15 from the Equivalency Demonstration (310-2135-002) guidance have been completed and are technically sound.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
41.	Act 162 – If Riparian Buffer Module 4 is completed, and offsetting is proposed, the offset riparian forest buffer is in the same drainage list as the project site riparian forest buffer, authorization for use of the offset site has been attached, and the offset buffer meets the criteria in 25 Pa. Code § 102.14(b).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Footnotes:

- 1 An answer of FALSE to any the questions that are applicable may be considered a technical deficiency except #1. If #5.a is FALSE and #5 is TRUE, it is a deficiency. If all answers in the following groups are FALSE, it is a deficiency: #22/23/24 and #31/32/33.
- 2 A technical review of the PCSM Plan is not required for renewal Applications or for amendment Applications where there is no new earth disturbance.

Application Manager’s Technical Review Comments:

PNDI Review:

- 102.6(a)(2) – PNDI search receipt contained no potential impacts and/or avoidance measures were signed by the applicant. ¹
- 102.6(a)(2) – PNDI clearance letter(s) from the appropriate agencies if 1) the PNDI receipt indicates “Potential Impact” or 2) the PNDI receipt indicates “Avoidance Measures” and the applicant has not signed the PNDI receipt indicating that the applicant will fulfill those Avoidance Measures were submitted. ¹

Footnotes:

- 1 Clearance applies to threatened and endangered species only (i.e., not species of special concern).

Site-Specific Special Conditions and Rationale:

Public Comments:

- Notice of the receipt of the application and a tentative decision to issue a permit was published in *Pennsylvania Bulletin* on: _____
30-day public comment end date: _____
- Notice of the receipt of the application and a tentative decision to deny the application was published in *Pennsylvania Bulletin* on: _____
30-day public comment end date: _____
- Comments were received from the applicant during the comment period and are addressed in the final permit cover letter or application denial letter.
- Public comments were received during the comment period and were considered in making a final decision on the application.
- A public hearing was held due to significant interest. Date of hearing: _____
- A comment-response document has been developed to address comments/testimony received from the public.
- No public comments were received during the review of the application.

SOP – Review of Individual NPDES Permit Applications
Revised, March 7, 2023

Version History

Date	Version	Revision Reason
3/7/2023	1.6	Updated Sections IV, VI and VII to clarify <i>Pennsylvania Bulletin</i> notice requirements for tentative determinations and final actions; updated Section IV to address circumstances in which a draft permit and technical deficiency letter may be issued simultaneously; and clarified in Section IV that if an applicant does not reply to a technical deficiency letter the application will be considered withdrawn.
12/6/2021	1.5	Updated Section III.A.2 to clarify that for renewal applications, only the General Information, Compliance History and the Certification sections of the application must be completed and that a new GIF must be submitted with the Client and Certification sections completed.
1/4/2021	1.4	Updated Attachment B by adding item 7.i to the NOI Completeness Checklist relating to Managed Release Concept (MRC) BMPs.
4/27/2020	1.3	Updated Note 2 to clarify additional agencies that are exempt from Chapter 102 NPDES fees; added Note 6 to clarify that only DEP can issue Major Amendments and CCDs may issue Minor Amendments under certain circumstances; revised Section III.C.3 to identify the specific items that should be transmitted from CCDs to DEP regional offices; revised Section VII.A.1.a to specify that the permit effective date should be the same as the permit issuance date; revised Section VII.A.1.d to include Modules 2 and 4 on submissions to the Bureau of Clean Water's resource account; and made minor updates to the fact sheets in Attachments B and C.
1/10/2020	1.2	Updated Attachments B and C (Fact Sheets) to include regulatory citations for completeness review and technical review checklists.
12/16/2019	1.1	Clarified in Section III that the 15-business day completeness review period begins when Section (Step) II is completed; added Note 6 to clarify expectations for Compliance History section of application.
12/9/2019	1.0	Original

DEP Chapter 102 Pilot Program for Individual NPDES Permits

The Pennsylvania Department of Environmental Protection (DEP) is introducing a Pilot program to evaluate new procedures for streamlining the review of Chapter 102 Individual NPDES Permit applications and improving the quality of applications received. This Pilot program will commence following the execution of amendments to Chapter 102 delegation agreements and run for a minimum of three full calendar quarters.

An initial group of 12 Conservation Districts was approached for possible participation in the Pilot program because they represent areas with moderate to high numbers of land development projects needing individual permits and include both PCSM-delegated and non-PCSM delegated Districts. Additional Conservation Districts can request to participate in the Pilot at any time; acceptance of a Conservation District into the Pilot will be subject to District and regional staff availability and at the discretion of DEP.

The following policies and procedures apply to the Pilot program. Following the Pilot, DEP will determine whether the Pilot procedures will be integrated partially or as a whole into the current processes for statewide use.

1. **Number of applications:**

A limit of three applications per quarter (three months) will be accepted on a first come, first serve basis for each county. Acceptance of a permit application into the Pilot will be subject to staff availability and at the discretion of DEP. In the case where DEP Regional Office or RPCO coordination is required, Regional and Conservation District staff will coordinate efforts to meet the procedures outlined below.

2. **Fees and Staffing:**

There will be no change to the permit review fees under this Pilot, including the administrative filing fee (\$1,500) and disturbed acreage fee (\$100/acre). It is recommended that work under the Pilot program occur during normal business hours to allow direct hourly comparisons to current processes. If a Conservation District elects to incorporate their expedited fee schedule/policy into the Pilot program such that review of Pilot applications will be reviewed only during overtime hours, they should notify DEP prior to beginning work under the Pilot program. Conservation Districts, at their discretion, also have the option to charge an additional, reasonable amount that is higher than their current fee schedule and/or revise their policy for this Pilot with the approval of their Board of Directors. Any changes in fee schedules/policy must be submitted to the State Conservation Commission for its records, and DEP should be notified.

3. **Eligibility:**

The general intention of the Pilot program is to accept a diverse range of projects so that a broad evaluation of the Pilot can be made upon conclusion. Projects which propose green infrastructure and/or riparian buffers should receive acceptance priority. DEP has the discretion to determine which projects are accepted into the Pilot Program, recognizing that highly complex projects may be ineligible. The following types of applicants or projects will generally be ineligible for the Pilot:

- a. Permit Amendments, Renewals and Transfer applications; all Pilot projects should be NEW Individual NPDES Permit applications.
- b. Any applicant that is an agency exempt from paying Chapter 102 permit application fees (e.g., PennDOT, DEP, EPA, PA Turnpike Commission, PA Fish & Boat Commission, DCNR).
- c. Projects that propose Managed Release Concept (MRC) BMPs that do not meet DEP established standards, Gravity Wells, or Alternative BMPs or design standards.
- d. Projects that require review by DEP's Oil & Gas program.
- e. Projects that propose to disturb < 50 acres or propose < 10 acres or more of impervious in a single phase.
- f. Applicants that have been subject to a formal enforcement action or have been assessed a civil penalty by DEP or a Conservation District within the last 5 years.
- g. Applications that may be expected to have significant public interest in which a public hearing is likely to be held.
- h. Applicants may submit only one application each quarter for this initial Pilot program.

4. **Pre-Application Meetings:**

Prior to submission of the application, the owner/developer/applicant and the licensed professional that will prepare the PCSM Plan must schedule and attend two pre-application meetings (virtual or in-person based on availability and at DEP/District's discretion). These meetings cannot be waived. If a Conservation District has a pre-application fee requirement, those fees must be paid prior to the first meeting.

- a. The first meeting will be an **Informal pre-application meeting** with the Conservation District to discuss eligibility for the Chapter 102 Pilot, program procedures, and an overview of the project. The Conservation District will explain the expectations for the required Formal pre-application meeting, including the need for the applicant to bring and present a draft version of the complete application, plans, modules, and calculations. The Conservation District will notify their DEP Regional Office to the planned meeting and share meeting notes with the Regional office following the meeting.

If the project requires authorization from multiple DEP Programs (including, but not limited to, Air Quality, Sewage planning, Chapter 105, other Clean Water Permits, etc.), the applicant will be encouraged to visit DEP's website to request a DEP Permit Application Consultation Tool (PACT) meeting prior to scheduling the Formal pre-application meeting.

- b. The second meeting will be a **Formal pre-application meeting** with the Conservation District and at least one DEP Regional staff member.

- i. The first draft of the complete Individual NPDES permit application and the proposed finalized E&S and PCSM Plans must be presented and discussed at the meeting. This includes all required modules, reports and test results.
- ii. The Agenda from the [Chapter 102 Pre-Application Meeting Record Form](#) should be followed.
- iii. DEP and Conservation District staff should spot check the NPDES permit application materials brought to the meeting by the applicant and ask questions during the course of this preliminary evaluation.
- iv. The plan reviewers will be assigned at this meeting.
- v. At the conclusion of the Formal pre-application meeting, DEP and Conservation District staff will provide a preliminary indication whether the project is eligible for the Pilot. The final determination will be made within 7 business days following receipt of the formal submission.
- vi. The application must be submitted within 22 business days of the date of the Formal pre-application meeting or another Formal pre-application meeting must be held.

5. Submission:

In addition to the normal requirements for a complete individual NPDES permit package, the following will be required to be provided by the applicant with the initial submission:

- a. Any applicable Conservation District fees, per the Conservation District's policy or as outlined in item #2.
- b. Supporting documentation from each named cooperating agency for the clearance of any potential impacts identified on the PNDI receipt (there will be no PNDI concurrent review option for the Pilot).
- c. Completed PHMC Coordination, if applicable.
- d. Clearance of any land use conflicts, if applicable.
- e. Applicants must provide documentation that the licensed professional who prepared the PCSM Plan and attended the pre-application meetings will have oversight of the critical stages of PCSM BMP implementation during construction. Documentation could include a contract or other written attestation.
- f. Adequate Pre-Development Site Characterization (DEP's Pre-Development Site Characterization Spreadsheet may be voluntarily used or may be required by DEP or the Conservation District).
- g. If an MRC BMP is proposed, a completed MRC Design Summary Sheet.
- h. Submission of the application package simultaneously to the Conservation District and DEP. Submission to DEP must be electronic (e.g., email, DEP's Public Upload tool, etc.). The submission must be made in a manner that DEP and the Conservation District are certain that each entity has received the same application and plans. At the discretion of the DEP Regional Office, submissions may be received by DEP and forwarded to Conservation Districts.

6. Acceptance:

The Pilot submission will undergo an initial check for acceptance into the Pilot by the Conservation District within 7 business days of receipt based on the eligibility items described above. This acceptance check is meant to be a confirmation of the determination made during the Formal pre-application meeting. After coordination between the Conservation District and Regional Office, the applicant and licensed professional will be notified via email of acceptance or denial into the Pilot program. If denied the email will identify the reason for denial. The NPDES permit number will be assigned by the District at this time.

If denied, the application will be processed following the Standard Operating Procedures (SOP) for Individual NPDES Permits and an Incomplete Letter will be issued after the Completeness Review, if applicable, under the current SOP timeline.

7. Review:

If accepted into the Pilot Program, the application will be reviewed by completing the Individual NPDES Permit Fact Sheet, standard or expanded E&S Checklists, and MRC Review Checklist, if applicable (other checklists are optional).

- a. For projects located in counties where the Conservation District has PCSM delegation, the Conservation District will conduct a concurrent completeness and technical review of the entire application within 47 business days of receipt using DEP's Fact Sheet for Individual NPDES Permits. The 47-business day timeframe reflects current permit review processes for the first technical review. If there are significant deficiencies, the Conservation District will email a deficiency letter to the applicant and provide 22 business days for resubmission. The DEP regional office will be copied on the deficiency letter email. If the significant deficiencies would, in the opinion of the Conservation District and DEP, require a redesign for the project, proceed to 8.c, below. If there are no significant deficiencies (or if the significant deficiencies have been resolved upon resubmission), the Conservation District will prepare and issue a draft permit following coordination with the DEP regional office for the publication of a public notice in the *Pennsylvania Bulletin*.

If a public hearing is deemed by DEP to be necessary due to public interest/comments, the application will be entered into the standard review process at that time and the applicant will be notified during the scheduling of the public hearing.

- b. For projects located in counties where the Conservation District does not have PCSM delegation, the DEP Regional Office will conduct concurrent Completeness and Technical reviews of the PCSM Plan, while the Conservation District will conduct a concurrent Completeness and Technical review of the application materials and E&S Plan (all within 47 business days). The 47-business day timeframe reflects current permit review processes for the first technical review. The Conservation District will provide any deficiency comments to the Region via email. If there are significant deficiencies, DEP will email a deficiency letter to the applicant and provide 22 business days for resubmission. The Conservation District will be copied on the deficiency letter via email. If the significant deficiencies would, in the opinion of the Conservation District and DEP, require a redesign for the project, proceed to 8.c, below. If there are no significant deficiencies (or if the significant deficiencies have been resolved upon resubmission), DEP will

prepare and issue a draft permit and publish notice of the draft permit in the *Pennsylvania Bulletin*.

If a public hearing is deemed by DEP to be necessary due to public interest/comments, the application will be entered into the standard review process at that time and the applicant will be notified during the scheduling of the public hearing.

8. Deficiencies:

If a Deficiency letter is issued, a response letter detailing the revisions made must be provided by the applicant with the resubmission. All fees associated with a District's fee schedule for resubmissions must be paid as applicable.

- a. Resubmission must be provided within 22 business days, with an optional 10-business day extension upon request at a scheduled plan review meeting (meeting can be virtual or in-person). This meeting could be waived at the coordinated discretion of the Conservation District and DEP.
- b. Review of the resubmission will occur within 22 business days of receipt.
- c. If there are continued significant deficiencies following receipt of a resubmission, the application will be **Returned** to the Applicant in lieu of a Denial. The *Return Letter* will be drafted and issued by the DEP Regional Office if the Conservation District is not PCSM-delegated and by the Conservation District if they are PCSM-delegated.
 - i. Returned Pilot applications should be retained for at least 9 months.
 - ii. A *Pennsylvania Bulletin* notice is not required for a Returned application.
 - iii. If Returned, the submitted disturbed acreage fee and permit number can be applied to a new application within 6 months. Proof of fee payment is required to be supported by the applicant at the time of submission. This application would be reviewed under the Standard Operating Procedures and would no longer be part of the Pilot program. The administrative filing fee and Conservation District fees would need to be paid according to the District's fee schedule.
 - iv. As described in the *Return Letter*, if no resubmission is received within 6 months, the application is considered withdrawn by the applicant and a new application and all fees would be due.

9. Permit Issuance:

DEP will remain responsible for publishing notice of a draft permit and final issuance of a permit into the *Pennsylvania Bulletin*. The DEP Regional Office will also be responsible for entry of all Pilot applications into eFACTS (and subsequently ICIS), while the Conservation Districts will continue to be responsible for tracking Pilot applications in their electronic database.

- a. For a PCSM-delegated Conservation District, if deficiencies have been resolved, the permit will be signed and issued by the Conservation District Manager or supervisor within 5 business days following the end of the public comment period and the final action will be published by DEP in the *Pennsylvania Bulletin*; the Conservation District will notify the DEP Regional Office prior to final permit issuance.

- b. Conservation Districts without the PCSM delegation will follow the standard SOP procedures for applications with resolved deficiencies; permits will be signed and issued by the DEP Regional Office within 5 business days following the end of the public comment period.

10. Timeframe Comparison:

<i>All times given in Business Days</i>	Pilot Program Timeline <i>(possible extension adds 10 days)</i>	Standard SOP Timeline <i>(possible extensions add 40 days)</i>
Acceptance	7 Days	5 Days
Completeness	n/a	15 Days
Response Due	n/a	45 Days
Technical	47 Days	47 Days
Response Due	22 Days	22 Days
Re-review	22 Days	22 Days
Elevated Review	n/a	15 Days
Decision	5 Days (Issue/Return)	5 Days (Issue/Denial)
TOTAL	103 Days	176 Days
DEP hands	81 Days	94 Days
Applicant hands	22 Days	82 Days

**ADMINISTRATION RESPONSIBILITIES IN THE
EROSION AND SEDIMENT POLLUTION CONTROL (E&S)
PROGRAM
AND NATIONAL POLLUTANT DISCHARGE ELIMINATION
SYSTEM (NPDES) PERMITTING PROGRAM FOR THE
DISCHARGE OF STORMWATER ASSOCIATED WITH
CONSTRUCTION ACTIVITIES**

AMENDMENT NO. _____

THIS _____ AMENDMENT to the Agreement for the Administration Responsibilities in the Erosion and Sediment Pollution Control Program (“E&S”) and National Pollutant Discharge Elimination System (“NPDES”) program for the Discharge of Stormwater Associated with Construction Activities (“Agreement”), attached hereto as Exhibit A, is entered into between the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”) and the _____ County Conservation District (“District”).

The Agreement, attached as Exhibit A, provides for the District to be the Department’s designee for the administration of the E&S Program and NPDES program for the Discharge of Stormwater Associated with Construction Activities. The Department is introducing a Pilot program for the streamlined processing of Individual NPDES permits. The parties intend to amend the Agreement to include the Pilot program as outlined in Exhibit B.

The parties, intending to be legally bound, agree to amend the agreement as follows:

1. The Agreement shall be amended to include Section 5a., which shall read as follows:

“The Department agrees to delegate to the District, and the District agrees to accept delegation from the Department, certain responsibilities for the Pilot program in accordance with all applicable federal, state, and local statutes, rules, regulations, including those concerning agriculture, and with all requirements as referenced in the Erosion and Sediment Pollution Control Manual, Standard Operating Procedures, the Program Administrative Policy and Permitting Manual, and Program Compliance Assistance and Enforcement Manual.”
2. The District will assume all duties and responsibilities related to the administration of the Pilot program as outlined in Exhibit B.
3. The parties agree to execute minor adjustments to the Pilot program through a fully executed letter of mutual consent and significant adjustments to the program through a fully executed written amendment to this Agreement. Minor adjustments shall include changes to the Required Output Measures in Exhibit B.
4. All other terms and conditions of this Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties have signed this Amendment to this Agreement on the dates indicated below.

COUNTY
CONSERVATION DISTRICT

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

(Chairperson) (Date)

Executive Deputy Secretary (Date)
for Programs

(Secretary/Treasurer)

Deputy Secretary for Water Programs (Date)

STATE CONSERVATION COMMISSION

Executive Secretary (Date)

**APPROVED FOR
FORM AND LEGALITY**

CHIEF COUNSEL
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

OFFICE OF ATTORNEY GENERAL

OFFICE OF GENERAL COUNSEL

EXHIBIT A
(Current Delegation Agreement)

EXHIBIT B

Conservation District Levels of Program Delegation Responsibilities And Required Output Measures for the Department's Chapter 102 Pilot Program

The procedures herein are specific to Individual NPDES Permit applications that have been accepted by the Department and the District into the Pilot program.

The District will:

1. Explain the Pilot program procedures and eligibility requirements to any interested applicant.
2. Participate in informal and formal pre-application meetings with each applicant seeking acceptance into the Pilot program.
3. Confirm applications were received concurrently by DEP when the District receives the applications.
4. For applicants that have participated in the informal and formal pre-application meetings, review the application within 7 business days of receipt (eligibility review period) in coordination with the appropriate Department regional office to determine program eligibility.
5. Notify the applicant of acceptance or denial into the Pilot program through email within the eligibility review period.
6. Districts without PCSM delegation will:
 - a. Conduct a concurrent review as follows: 1) completeness review of the application and the Erosion and Sediment Control (E&S) Plan; and 2) technical review of the application and E&S Plan using the Department's Fact Sheet template for Individual NPDES Permits and the standard or expanded E&S checklists, within 47 business days of receiving these application materials (initial review period).
 - b. Provide a list of completeness and technical deficiencies to the Department regional office to include in a deficiency letter the Department will send to the applicant within the initial review period.
 - c. Where a deficiency letter has been issued and the applicant has resubmitted the application and E&S Plan, conduct a second review of these application materials within 22 business days of receiving the resubmittal (second review period).

- d. Notify the Department regional office within the second review period of whether the application materials are adequate or inadequate and recommend issuing a draft permit or returning the application to the applicant.

7. Districts with PCSM delegation will:

- a. Conduct a concurrent review as follows: 1) completeness review of the application, E&S Plan and Post-Construction Stormwater Management (PCSM) Plan; and 2) technical review of the application, E&S and PCSM Plans using the Department's Fact Sheet template for Individual NPDES Permits, the standard or expanded E&S checklists, and the Managed Release Concept Review Checklist (if applicable), within 47 business days of receiving these application materials.
- b. Issue a deficiency letter if the District determines that there are significant completeness and/or technical deficiencies. This letter must be signed by the District Manager or a supervisor and a copy must be provided to the Department regional office.
- c. Issue a draft permit, cover letter, and public notice for the applicant to post if the District determines that there are minor completeness and/or technical deficiencies that the applicant could correct during the public comment period or there are no deficiencies. The draft permit should not be signed and must contain a DRAFT watermark. The cover letter must be signed by the District Manager or a supervisor. The cover letter must list all deficiencies identified. The District will coordinate with the Department regional office to post public notice in the *Pennsylvania Bulletin*.
- d. Where a draft permit cover letter listed deficiencies or where a deficiency letter was issued and the applicant resubmitted materials, conduct a second review of these materials within 22 business days of receiving the materials. If significant deficiencies remain, the District will follow step 7.g below. If no deficiencies or minor deficiencies remain, the District will follow step 7.c, above if a deficiency letter was issued or step 7.e, below, if a draft permit was issued.
- e. If a draft permit was issued and no deficiencies remain, issue the final permit in accordance with the Standard Operating Procedures (SOP) for Review of Individual NPDES Permit Applications within 5 business days of the end of the public comment period, except the final cover letter must be signed by the District Manager or, in the absence of the District Manager, a supervisor.
- f. Notify the Department regional office prior to issuing the final permit to allow the Department regional office to prepare the *Pennsylvania Bulletin* posting.
- g. If significant deficiencies remain following an applicant's response to a deficiency letter or if significant deficiencies are identified during the concurrent review that would warrant redesign of a project, the District will consult the Department regional office and return the application to the applicant. Applications that are returned will be retained for a minimum of 9 months.