

Standard Operating Procedures (SOP) for Phased Projects for the National Pollutant Discharge Elimination System (NPDES) Permits, Erosion and Sediment Control (E&S) Permits, and Erosion and Sediment Control General Permits (ESCGP) Permits

September 20, 2013

DISCLAIMER: The process and procedures outlined in this Standard Operating Procedure (SOP) are intended to supplement existing requirements. Nothing in the SOP shall affect regulatory requirements.

The process, procedures and interpretations herein are not 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.

This SOP describes the procedures and work flows associated with the processing of phased projects for NPDES permits, E&S permits and ESCGP Permits. Permit applicants that want to utilize the phased project approach for their project must follow the guidelines in the Permit Guidelines for Phased NPDES Stormwater Discharges associated with Construction Activity permits, Chapter 102 Erosion and Sediment Control permits and Chapter 105 Waterway restoration Project Permits, DEP Document # 363-2134-013, March 29, 2003 (see appendix I). The delegated conservation districts and the Department will follow the Phased Project Guidelines and the SOP for the appropriate type of permit for the permit review process when processing and reviewing phased permit applications.

Phased Project Process

1. When an applicant submits a phased project application they must submit an application that shows the scope, location and type of anticipated activities for the entire project site. For the initial phase of the project, applicants will provide a detailed E&S plan and a detailed PCSM or site restoration plan. As with all permit applications pre-application meetings are not mandatory but are highly recommended.
2. Upon receipt of a phased project application the delegated conservation district or Department will follow the SOP for their appropriate permit type and follow all permit review procedures as outlined in the specific SOP for completeness and technical reviews. The phased project permit application is not complete unless it shows the scope, location and type of anticipated activities for the entire project site. A detailed E&S plan and a detailed PCSM or site restoration plan must be submitted for the initial phase of the project.

3. Once the permit is ready for approval by either the delegated conservation district or the Department that approval is only for the phase for which detailed E&S and PCSM plans were submitted and reviewed. Earth disturbance may not begin on any other phases of the project until the permittee has submitted detailed plans for that phase that have been reviewed and approved by the delegated conservation district or the Department.
4. When a permittee wants to start a new phase of the project they must submit detailed E&S and PCSM or site restoration plans for that portion of the project. The delegated conservation district or Department will follow the SOP guidelines for technical reviews for the appropriate permit type. The permittee may not start earth disturbance work in a new phase until they have received written approval from either the delegated conservation district or the Department.
5. Upon approval of the subsequent phase submission the Department will publish a notice in the PA Bulletin, of approval of the subsequent phase(s) (identifying the specific phase of the project being approved for construction) as an action under a previously authorized permit. Approval of the subsequent phase is not considered a major modification to the permit