

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF OIL AND GAS MANAGEMENT

**Erosion and Sediment Control General Permit (ESCGP-4)
Frequently Asked Questions (FAQ)**

1. A water quality spreadsheet was mentioned, is that the same as in the PA Department of Environmental Protection (DEP) PCSM Spreadsheet?

Yes. The PCSM Spreadsheet is available at www.dep.pa.gov/constructionstormwater, under the “E&S Resources” section.

2. Will the recording of the training be made available online for industry?

Currently the DEP website is being updated and there is a moratorium preventing posting new material. Once the work has been completed and the moratorium is lifted the recording of the training will be posted. DEP will announce posting of the recording to industry trade organizations via email once that has been completed.

3. What if any changes to the ESCGP-4 itself or the forms, were made based on comments received by the Department?

The draft ESCGP-4 was posted for public comment from June 29, 2024 to July 29, 2024. Eight commenters submitted 83 separate comments. Some comments resulted in edits to the final ESCGP-4 that was posted on October 5, 2024. DEP does not anticipate making additional changes to the ESCGP-4. Meanwhile, edits may be made to associated forms in the future which is common.

4. Would you be able to share any details around PAYback as it relates to ESCGP-4 review timelines, including how comment response days are figured into that timeline and what having a permit withdrawn means for the applicant?

The permit review timeframes remain unchanged from Permit Decision Guarantee. The Department has 53 business days to conduct a completeness review, technical review, review deficiency responses, and act on a permit. When an applicant receives a deficiency letter, they have 60 days to respond to those deficiencies. The review timeframe clock stops when the deficiency letter is sent from the DEP to the applicant, and the 60-day timeframe starts on the applicant’s side. If the applicant has not satisfied the deficiencies in the 60-day timeframe, the application may be considered withdrawn by the DEP which means no action will be taken. In these cases, the applicant will have to resubmit the application. To remain consistent with the regulations and PAYback, there will no longer be multiple rounds of significant deficiency letters.

5. Is the Permit Application Consultation Tool (PACT) intended to replace pre-application meetings, or is it more to help initiate that coordination process?

No, the inclusion of the PACT does not replace pre-application meetings. The PACT guides the user through a series of simple questions and provides information and links to permitting information for potential permits that may be required based on the user responses. When submitted to DEP, the PACT may serve as the foundation for a pre-application meeting to discuss and verify project details and permit coordination.

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6. When are Stormwater Control Measure (SCM) Certification Forms required?

SCM Certification Forms must be completed and signed by a licensed professional, or their designee within 30 days of completion of construction of any structural post construction stormwater management (PCSM) SCM.

7. When does the requirement for an SCM Certification Form begin?

The SCM Certification Form is required for any project authorized by ESCGP-4. The form is not required for ESCGP-3s.

8. Where can I find the Division of Duties for Oil and Gas Activities FAQ?

The Division of Duties FAQ and associated training can be found here [Frequently Asked Questions \(FAQ\)](#) or in the Bureau of Clean Water's Clean Water Academy (CWA) in the Chapter 102 Resource Center, under the "Guidance, Policies and FAQs" tab, then select "FAQs."

9. For those seeking coverage under the ESCGP-4 is the expectation that the draft PCSM best management practices (BMP) Manual and the draft Chapter 102 SCM Construction Certification Form be referenced and utilized as part of the ESCGP-4 permit application?

Regarding the PCSM Manual, Section 21 of the ESCGP-4, includes the following statement which references the existing PCSM Manual which was published in 2006;

"The management of post-construction stormwater shall be planned and conducted in accordance with 25 Pa. Code § 102.8. Various SCMs and their design standards are listed in the Pennsylvania Stormwater Best Management Practices Manual, (Document Number 363-0300-002), as amended and updated."

When the "Draft Technical Guidance: Pennsylvania Post-Construction Stormwater Management (PCSM) Manual" was published for comment on 1/28/2023, it had the following (Document Number (386-0300-001). This draft document is not referenced in the ESCGP-4. However, when the PCSM Manual is finalized, individuals should reference the most up to date version to ensure stormwater is being properly managed.

Regarding the SCM Construction Certification Form (Document Number 3800-FM-BCW0271j); In order to access the final (non-draft) version of the form, go to [DEP eLibrary](#) and select Chapter 102 SCM Construction Certification Form.

10. Has there been a change in methods of ESCGP-4 Notice of Intent (NOI) reviews in the ePermit system?

There has been no change in the methods or procedures of NOI reviews within the ePermit application.

11. Is an Erosion Potential Analysis required for discharges on-site as well as off-site discharges or is the analysis only for off-site discharges?

An Erosion Potential Analysis is required for the entire flow path until the concentrated flow reaches a surface water. Erosion can happen on and off-site, so it is critical to investigate the entire flow path.

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12. The hard drive on my computer suddenly crashed during the inspection and I couldn't produce the documents to DEP upon request, am I out of compliance?

Yes, if a DEP or Conservation District inspector requests a copy of the documents required by the permit, such as the approved Erosion and Sediment Plan (E&S Plan), Post Construction Stormwater Management/Site Restoration Plan (PCSM/SR Plan) or Preparedness, Prevention, and Contingency Plan (PPC Plan), the permittee may be determined to be out of compliance by the inspector. The permittee is expected to have a copy of all required documents at all times, whether those documents are available as electronic or physical copies.

13. What are the significant changes to the ESCGP-4?

Significant changes from ESCGP-3 to ESCGP-4 include:

- Visual site inspection training certification required after 12/8/2025
- Infiltration testing required after 12/8/2025
- Compliance certification language updated
- No notarization required (this was in the NOI, not the permit)
- Marcellus Shale Coalition case language added
- Additional causes of impairment have been added to the permit based on DEP's recent Integrated Report
- Addition of SCM Certification Form