



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION



Bureau of Clean Water

2024 DEP Chapter 102 Pilot Program for Individual NPDES Permits

Agricultural Advisory Board

February 21, 2024

The Pilot

- Will run for a minimum of three full calendar quarters
- DEP initially approached a mix of PCSM and non-PCSM Districts with higher areas of land development
- Additional Districts may request to participate at any time, at the discretion of DEP
- Districts participating in the Pilot will need to sign an amended delegation agreement
- Following its conclusion, DEP will determine whether the Pilot procedures will be integrated into current processes for statewide use.

Fees/Staffing

- No change to permit review fees
- Recommended that work occur during normal business hours
 - If a District elects to incorporate their expedited fee schedule/policy and utilize overtime, they should notify DEP prior to beginning work
- Districts have the option to charge an additional, reasonable amount higher than their current fee schedule and/or revise their policy with Board of Directors approval

Applications & Eligibility

- Limit of 3 applications/quarter for each county
- Intention to accept a diverse range of projects
- Projects proposing green infrastructure and/or riparian buffers will receive acceptance priority
- Include projects that are more “standard” in nature
- Acceptance into the Pilot ultimately subject to staff availability, DEP discretion and certain eligibility criteria

Pre-Application Meetings

- Prior to submission, the applicant and the licensed professional must schedule and attend two pre-application meetings
- **Informal Pre-Application Meeting:**
 - CCD meets with applicant to discuss potential eligibility and expectations of the Formal Pre-Application Meeting
 - CCD will notify and invite Regional DEP Office
 - PACT should be suggested if multiple permits may be involved
- **Formal Pre-Application Meeting:**
 - CCD and DEP staff will spot check application materials
 - At the conclusion, a preliminary indication of eligibility will be provided

Pilot Acceptance

- Submission will undergo a final check for acceptance within 7 business days
- Applicant and licensed professional will be notified via email of acceptance or denial into the Pilot
- If denied participation in the Pilot, application should be processed using standard Individual Permit SOP

▶ Permit Review – PCSM Delegation

- Concurrent completeness and technical reviews
- If deficiencies exist, CCD will send the deficiency letter
- CCD will prepare and issue a draft permit

▶ Permit Review – No PCSM Delegation

- CCD: Concurrent completeness and technical review of the application and E&S Plan
- DEP: Concurrent completeness and technical review of the PCSM Plan
- If deficiencies exist, CCD will provide comments to DEP who will send the letter
- DEP will prepare and issue a draft permit

Permit Deficiencies and Issuance

- Applicants will have one deficiency letter response period
- Continued deficiencies result in the application being Returned in lieu of a Denial
 - Returned applications will not be eligible for re-entry into the Pilot upon resubmission
- Issuance:
 - **Non-PCSM Delegated CCDs** will follow standard SOP procedures for applications with resolved deficiencies
 - **PCSM Delegated CCDs** will sign and issue the final permits themselves

Timeframe Comparison

- **Standard SOP**

- **Total:** 176 business days (with up to an additional 40 business days due to extensions)
- **With DEP/CCD:** 94 business days
- **With Applicant:** 82 business days

- **Pilot Program**

- **Total:** 103 business days (with up to an additional 10 business days due to extensions)
- **With DEP/CCD:** 81 business days
- **With Applicant:** 22 business days

Questions?

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