

**Standard Operating Procedure (SOP)¹
Review of Individual NPDES Permit Applications
Stormwater Discharges Associated with Construction Activities
Pilot Program for Statewide Utility Infrastructure Projects
SOP No. BCW-102-017
Final, October 16, 2026
Version 1.0**

INTRODUCTION

The Department of Environmental Protection (DEP) has developed a Chapter 102 Pilot Program specific to utility infrastructure projects that will involve earth disturbance followed by returning the land cover to approximate original condition (i.e., site restoration projects). The Program may be used when a utility decides to upgrade or construct new infrastructure as part of a statewide or regional initiative to improve electric, cable or internet service. The utility can submit an application for an Individual NPDES permit to DEP's Major Projects Permitting Division (MPPD) that can be used to cover stormwater discharges from all projects statewide. The purpose of the Pilot is to accelerate critical infrastructure upgrades, reduce administrative burden on DEP and delegated county conservation districts (CCDs), and allow DEP/CCDs to focus on projects with greater environmental risk. This Pilot does not involve permits that may be needed under Chapter 105.

This SOP describes the procedures by which DEP MPPD and CCDs will process applications for Individual NPDES Permits for Discharges of Stormwater Associated with Construction Activities for utilities participating in the Pilot Program for Statewide Utility Infrastructure Projects (Utility Pilot Program). The eFACTS authorization type covered by this SOP is "NSC" and the application types covered by this SOP include "NEW" and "REN" (renewal).

Under the Governor's [Executive Order 2023-07](#) (Building Efficiency in the Commonwealth's Permitting, Licensing, and Certification Processes), DEP has 117 business days to take a final action on new and renewal individual permit applications for stormwater discharges associated with earth disturbance activities. Failure to take action within this period of time may result in a refund in disturbed acreage fee(s) ("PAYback"). PAYback refund policies impact DEP only; CCDs are not subject to the PAYback refund policy.

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.

This SOP relies upon the [SOP for Review of Individual NPDES Permit Applications, Stormwater Discharges Associated with Construction Activities](#) (No. BCW-102-003) and explains where modifications apply. Sections I through VII of this SOP address review of the initial application for an Individual NPDES Permit and Section VIII addresses review of submissions for additional earth disturbance activities planned during the permit term.

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.

DETAILS / PROCEDURES / STEPS

I. Pre-Application Meeting

- A. Applicants interested in pursuing the Utility Pilot Program must coordinate with DEP MPPD to schedule a pre-application meeting by submitting the [Chapter 102 Pre-Application Meeting Request Form](#) (DEP Document No. 3800-FM-BCW271e). If the applicant knows the locations of projects for the initial Individual NPDES permit application, the applicant should provide a list of these locations to MPPD so that MPPD may invite the appropriate CCDs.
- B. DEP MPPD will follow Sections I.B through I.D of [SOP No. BCW-102-003](#). In addition, DEP MPPD will notify applicants of the following at the pre-application meeting:
 1. All submissions and resubmissions must be made through DEP's [Public Upload with Payment \(PUP\)](#) tool (or another electronic system if specified by DEP MPPD).
 2. A list of all known project site locations (municipalities and counties), receiving surface waters, and their existing use classifications under Chapter 93 should be included with the Individual NPDES Permit application (even if the application will not include information and plans for all project site locations) for the purpose of public notice.
- C. If the applicant is proposing a project in a county where the applicant has other project sites with outstanding non-compliance, the CCD will inform the applicant that the proposed project may not be part of the Pilot Program until the non-compliance is resolved.

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

- A. Upon receipt of an Individual NPDES Permit application, DEP MPPD staff will implement Steps II.A through II.D of [SOP No. BCW-102-003](#) as soon as possible but no longer than five (5) business days of the receipt of the application. In addition, DEP MPPD will verify that no new permanent impervious surfaces will be constructed as part of any project.
- B. DEP MPPD will assign a permit number following the SOP for Chapter 102 Permit Numbering ([No. BCW-102-009](#)), using "83" for the county/office code if the projects will be located in at least 3 different counties (otherwise the county code for the county with the largest disturbed area will be used).
- C. MPPD should not consider this step complete until it receives verification from each applicable CCD that the CCD has received the applicant's project-specific Erosion and Sediment Control and Site Restoration (E&S/SR) Plan, PNDI receipt and clearance letter(s) (if applicable, so that the CCD can verify Avoidance Measures on the E&S/SR Plan), and the correct E&S Plan review or service fee.

NOTE 1 – The applicant may submit a combined E&S/SR Plan for this Utility Pilot Program in lieu of separate E&S and Post-Construction Stormwater Management (PCSM) Plans (as authorized by DEP under 25 Pa. Code § 102.8(d)).

III. Completeness Review

- A. DEP MPPD will review the application for completeness and overall technical adequacy within 10 business days of completion of Step II following the procedures in Sections III.A and III.B of [SOP No. BCW-102-003](#). DEP MPPD will use the Completeness Review Checklist of the [Chapter 102 Fact Sheet](#) to document the completeness review.

- B. Once a determination on the application's completeness has been made by DEP MPPD, DEP MPPD will take the actions described in Sections III.C, III.D, or III.E of [SOP No. BCW-102-003](#), as applicable.
- C. In the event all CCDs have completed their technical reviews of E&S/SR Plans by the time DEP MPPD makes a completeness determination, DEP MPPD may at their discretion incorporate any completeness deficiencies into the technical deficiency letter described in Section IV; otherwise DEP MPPD will issue an [Incompleteness Letter \(13\)](#) or work with the applicant to resolve minor completeness deficiencies, as applicable.

IV. Technical Review

- A. Following receipt of notification from DEP MPPD that the application is complete, CCD(s) will conduct a technical review of the E&S/SR Plan(s) within 47 business days (first technical review) and 22 business days (second technical review, if applicable) in accordance with Section IV of [SOP No. BCW-102-003](#), except as follows:
 - CCDs will not issue technical deficiency letters to the applicant. If there are technical deficiencies that cannot be considered minor, CCDs will prepare a list of the technical deficiencies and transmit it to DEP MPPD for inclusion in a technical deficiency letter to be issued by DEP MPPD once DEP MPPD receives lists from all CCDs, as applicable. Technical deficiencies that can be considered minor can be resolved by CCDs following Section IV.C of [SOP No. BCW-102-003](#) without the involvement of DEP MPPD (although DEP MPPD should be copied on emails from CCDs to the applicant for minor deficiencies).
- B. CCDs will document their technical review of E&S/SR Plans using the Standard or Expanded E&S Technical Review Checklists of the [Chapter 102 Fact Sheet](#).

V. Tentative Permit Decision

- A. CCDs will transmit their portion of Chapter 102 Fact Sheets to DEP MPPD following sign-off by the CCD Manager or Supervisor. DEP MPPD's Permits Chief and/or Manager will sign-off on the Chapter 102 Fact Sheet prepared by DEP MPPD staff.
- B. DEP MPPD will follow the appropriate steps in Sections VI.B through VI.D of [SOP No. BCW-102-003](#), except as follows:

If a tentative decision is made to issue the permit, DEP MPPD will implement the following:

1. In the *Pennsylvania Bulletin* notice, DEP MPPD will identify all known project site locations and receiving waters as submitted by the applicant, including future projects that do not have E&S/SR Plans and other information at the time the original permit application is submitted.
2. DEP MPPD will include a Part C condition in the draft permit as follows:
 - I. *Coverage of Future Earth Disturbance.*
 - A. *This permit authorizes the discharge of stormwater associated with construction activities for the project site(s) identified in the permit application where a site-specific E&S and Site Restoration (E&S/SR) Plan was submitted and reviewed by DEP/CCD.*
 - B. *Stormwater discharges from other project sites operated by the permittee are covered by this permit when DEP has published notice of the site under this permit in the Pennsylvania Bulletin and when following criteria are met:*



1. *The project will restore the pre-construction land cover to approximate original condition and will not involve new permanent impervious surfaces.*
2. *The permittee submits the following information on the project at least 30 days prior to the planned date for commencing earth disturbance activities using an electronic system specified by DEP:*
 - a. *A site-specific E&S/SR Plan. The Plan must include non-discharge alternatives or Antidegradation Best Available Combination of Technologies (ABACT) BMPs when: 1) discharges from the project site will be to special protection waters; 2) discharges from the project site will be to surface waters impaired for siltation, turbidity, Total Suspended Solids (TSS), algae, eutrophication, nutrients, flow regime modification, and/or habitat alterations in DEP's latest published Integrated Water Quality Monitoring and Assessment Report; or 3) soils that will be disturbed have pollutant concentrations exceeding the most stringent non-residential Media Specific Concentrations (MSCs) in 25 Pa. Code Chapter 250 (submitted to DEP MPPD and the appropriate CCD);*
 - b. *E&S Module 1 (3800-PM-BCW0406a) with supporting calculations/worksheets (submitted to DEP MPPD and the appropriate CCD);*
 - c. *A list of discharge points, receiving surface waters, and their classifications under 25 Pa. Code Chapter 93 (submitted to DEP MPPD);*
 - d. *Erosion Potential Analysis form(s) (3800-FM-BCW0271h), when discharges are anticipated to produce concentrated flow conditions (submitted to DEP MPPD);*
 - e. *PNDI receipt(s) and clearance letters from jurisdictional agencies, when applicable (submitted to DEP MPPD and the appropriate CCD);*
 - f. *A review letter issued by the Pennsylvania Historical and Museum Commission (PHMC) for projects with at least 10 acres of disturbance in a special protection watershed (submitted to DEP MPPD);*
 - g. *Antidegradation Module 3 (3800-PM-BCW0406c), when discharges are proposed to special protection waters (submitted to DEP MPPD);*
 - h. *A disturbed acreage fee of \$100 per disturbed acre, made payable to the Commonwealth of Pennsylvania Clean Water Fund (submitted to DEP MPPD); and*
 - i. *An E&S Plan review/service fee, made payable to the Conservation District Clean Water Fund (submitted to the appropriate CCD);*
- C. *When a project site is proposed that was not published in the Pennsylvania Bulletin under this permit, the permittee shall submit the information in paragraphs B.2.a – i, as applicable, and an application for a minor amendment (3800-PM-BCW0408b). DEP will publish notice of its final action on the application in the Pennsylvania Bulletin.*
- D. *For projects that have been previously published in the Pennsylvania Bulletin in accordance with paragraph B, the permittee may schedule the required pre-construction meeting if the permittee has not received a Technical Deficiency Letter within 30 days following DEP MPPD's notification that the submission is complete.*
- E. *For projects that have not been previously published in the Pennsylvania Bulletin in accordance with paragraph C, the permittee may not schedule the required pre-construction meeting until the permittee receives written approval of the minor amendment application.*

VI. Elevated Review Process

If the response to a technical deficiency letter does not correct the technical deficiencies, the application will move to the Elevated Review Process and DEP MPPD will follow Section V of [SOP No. BCW-102-003](#).

VII. Permit Decision and Final Processing

DEP MPPD will follow Section VII.A (if a final permit will be issued) or Section VII.B (if the application will be denied) of [SOP No. BCW-102-003](#).

VIII. Review of Future Submissions

Assuming DEP MPPD issues the Individual NPDES Permit, additional submissions containing the applicable information required by the permit (see Sections V.B.2 and V.C) are expected for additional earth disturbance projects during the permit term. Future submissions may be made for one or multiple additional projects. All information must be submitted to DEP MPPD through the [PUP](#) tool (or another electronic system if specified by DEP MPPD). CCDs must receive the project-specific E&S/SR Plan, E&S Module 1, PNDI receipt and clearance letter(s) (if applicable), and their fees using their preferred method as communicated by CCDs to the permittee.

- A. DEP MPPD will conduct a completeness review of the information it receives within 10 calendar days and will notify the permittee in writing (i.e., email) if the submission is incomplete. When DEP MPPD determines that all appropriate information and fees have been submitted to DEP MPPD and the applicable CCD(s), DEP MPPD will notify the permittee and CCD(s) in writing (i.e., email). Use of the Completeness Review Checklist by DEP MPPD is optional for future submissions.
- B. After the submission is deemed to be complete, the review process will be as follows:
 1. CCDs will complete a technical review of the E&S/SR Plan using the standard or expanded E&S Technical Review Checklist of the Chapter 102 Fact Sheet and notify DEP MPPD of any deficiencies within 20 calendar days of DEP MPPD's notification to the CCD that the permittee's submission is complete. CCDs may coordinate with the permittee directly if only minor deficiencies exist that can be quickly resolved with the permittee (DEP MPPD should be copied on emails).
 2. If there are technical deficiencies with the submission, DEP MPPD will prepare and issue a [Technical Deficiency Letter \(30\)](#) within 30 calendar days of DEP MPPD's determination that the submission is complete. The letter will provide 30 calendar days for a response.
 3. Resubmissions will be reviewed within 20 calendar days by CCDs to determine if the deficiencies have been corrected.
 - a. If the resubmission corrects the deficiencies, the CCD will notify DEP MPPD, and DEP MPPD will proceed to Section VIII.B.5.
 - b. If the resubmission does not correct the deficiencies, the CCD will notify DEP MPPD, and DEP MPPD will coordinate with the permittee and CCD to set up a meeting to discuss the remaining deficiencies. Up to an additional 30 calendar days may be provided to the permittee to resolve the deficiencies following the meeting. A final resubmission review will be completed by CCDs within 20 calendar days.
 - (i) If, following the meeting, the deficiencies are corrected, the CCD will notify DEP MPPD, and DEP MPPD will proceed to Section VIII.B.5.



- (ii) If, following the meeting, deficiencies remain, the CCD will notify DEP MPPD. DEP MPPD will inform the permittee that the submission is being returned and earth disturbance may not proceed.
- 4. If there are no technical deficiencies with the submission, DEP MPPD will take one of the following actions within 30 calendar days of determining that the submission was complete:
 - a. If the project has been previously published under the permit in the *Pennsylvania Bulletin*, DEP MPPD will notify the permittee in writing (i.e., email) that the submission is approved. In the event DEP MPPD does not notify the permittee of approval within 30 calendar days, the permittee may begin coordination with applicable CCDs for pre-construction meetings.
 - b. If the project has not been previously published under the permit in the *Pennsylvania Bulletin*, DEP MPPD will issue the [*Minor Amendment Approval Letter \(13a\)*](#). The permittee may not begin coordination with applicable CCDs for pre-construction meetings until the approval letter is received. DEP MPPD will coordinate with DEP's Bureau of Clean Water to post notice of the final action on the minor amendment application in the Penns
- 5. If there are technical deficiencies with the submission that are corrected, DEP MPPD will take one of the following actions:
 - a. If the project has been previously published under the permit in the *Pennsylvania Bulletin*, DEP MPPD will notify the permittee in writing (i.e., email) that the submission is approved within 10 calendar days from the date DEP MPPD determined that deficiencies have been corrected. Following receipt of written approval, the permittee may begin coordination with applicable CCDs for pre-construction meetings.
 - b. If the project has not been previously published under the permit in the *Pennsylvania Bulletin*, DEP MPPD will attempt to issue the [*Minor Amendment Approval Letter \(13a\)*](#) within 10 calendar days from the date DEP MPPD determined that deficiencies have been corrected.



Version History

Date	Version	Revision Reason
10/16/2026	1.0	Original