

DEP Chapter 102 Pilot Program Statewide Utility Infrastructure Projects

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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.

Pilot Procedures

- 1. Eligible Projects** – Only site restoration projects are eligible for the Pilot Program. If a project would involve an increase in impervious area it would not be eligible for the Pilot. Typical projects eligible for the Pilot would include distribution line construction and maintenance, line reroutes, and equipment replacements or upgrades that are proposed as a statewide or regional initiative. The projects within the initiative must span at least three DEP regional office territories and do not need to be part of a single common plan of development or sale.
- 2. Individual NPDES Permit** – An Individual NPDES permit is required due to the likelihood that one or more projects across the state will discharge stormwater to special protection waters and because a special condition will be included in the permit that addresses the handling of future projects.

The Individual NPDES permit application should include all applicable information for the initial project(s) proposed by the utility (see [Individual NPDES permit application checklist](#)) and be submitted through DEP's [Public Upload tool](#) to DEP MPPD following a required pre-application meeting. Thereafter, as new projects are proposed, the utility must submit the following information to DEP MPPD through Public Upload:

- The disturbed acreage fee;
- A valid PNDI receipt and clearance letters from jurisdictional agencies, if applicable;

- PHMC review letter(s) when a single project will exceed 10 acres of disturbance in a special protection watershed;
- A site-specific Erosion and Sediment Control Plan and Site Restoration Plan (E&S/SR Plan) including E&S Module 1 to satisfy §§ 102.4(b) and 102.8; and
- Other information when required by DEP (e.g., Antidegradation Module 3 when discharges are proposed to special protection waters, including EV wetlands).

The E&S/SR Plan, E&S Module 1, and PNDI receipt/clearance letters (if applicable) must be submitted concurrently to the applicable CCD, along with the CCD's E&S Plan review/service fee (see below). The CCD will review the E&S/SR Plan and notify DEP MPPD if there are deficiencies. The approved E&S/SR Plan will be used by CCDs for the required pre-construction meeting and for inspection purposes. If field changes are needed, CCDs will approve the changes.

DEP will include a condition in the permit that will address subsequent submissions and reviews by DEP/CCD within 30 days.

3. **Fees** – A \$1,500 administrative filing fee is required with the initial Individual NPDES permit submission along with a \$100 fee per disturbed acre for the initial project(s) to be covered by the permit. Both fees are to be made payable to the Commonwealth of Pennsylvania Clean Water Fund. The CCD's E&S Plan review/service fee must also be paid. Thereafter, as new projects are proposed, the utility would pay the \$100/acre disturbed acreage fee to the Clean Water Fund and the CCD's E&S Plan review/service fee(s). These fees would be due upon submission of materials for each subsequent project.