

Standard Operating Procedure (SOP)¹
Review of Erosion and Sediment Control Permit Applications
Stormwater Discharges Associated with Construction Activities
SOP No. BCW-PMT-044
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Version 1.1

This SOP describes the procedures by which the Department of Environmental Protection (DEP) Waterways and Wetlands Program, DEP Regional Permit Coordination Office (RPCO), and delegated county conservation districts (CCDs) will process applications for Erosion and Sediment Control (E&S) Permits for Discharges of Stormwater Associated with Construction Activities for timber harvesting and road maintenance activities. The eFACTS authorization type covered by this SOP is “EDP” and the application types covered by this SOP include “NEW”, “AMAJ” (major amendment), “AMIN” (minor amendment) and “REN” (renewal).

This SOP is intended to comply with the DEP’s [Policy for Implementing the Department of Environmental Protection \(Department\) Permit Review Process and Permit Decision Guarantee](#) (DEP Document No. 021-2100-001) (PRP/PDG Policy). Only certain types of applications are subject to the Permit Decision Guarantee (PDG) described in the PRP/PDG Policy. E&S Permits for Discharges of Stormwater Associated with Construction Activities **ARE NOT** part of the PDG.

DEP will be the permitting authority for all E&S Permit applications. However, the application typically is submitted initially to delegated CCDs (the applicant should read the application instructions on where to properly submit their application). The CCD’s role in the review of E&S Permit applications is the completeness review, the technical review of the Erosion and Sediment Control (E&S) Plan, and the technical review of the Post-Construction Stormwater Management (PCSM) Plan when delegated. For counties without a delegated CCD, DEP will handle all aspects of the review of the E&S Permit application.

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 an E&S Permit with another permit(s).

I. Pre-Application Meeting (DEP/CCD Staff)

Applicants are encouraged to request a Pre-Application Meeting with DEP and the CCD. A Pre-Application Meeting is important for the applicant to explain the project to DEP/CCD.

- A. If an applicant wants to request a Pre-Application Meeting, they should contact DEP/CCD to schedule a Pre-Application Meeting (either an in-person meeting or a conference call, as determined by DEP/CCD). The request should be accompanied by a completed [Chapter 102 Pre-Application Meeting Request Form](#) (DEP Document No. 3800-FM-BCW271e). If a CCD is contacted to schedule the pre-application meeting, they will coordinate the meeting with DEP, and vice-versa.

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.

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- B. During the Pre-Application Meeting, DEP/CCD staff will identify any additional DEP permits potentially required for the project² and provide an explanation of the Permit Review Process (PRP) and review timelines. DEP's *Policy for Permit Coordination* should be followed during the Pre-Application Meeting.
- C. During the Pre-Application Meeting, DEP/CCD staff will take general notes of the discussion and record the notes on the Chapter 102 Pre-Application Meeting Record Form (see **Attachment A**) or equivalent. At the conclusion of the Pre-Application Meeting, DEP/CCD staff will provide (in person or by email) a copy of this form to the applicant and consultant to ensure understanding by all parties.
- D. If known at the time, the Application Manager for DEP (i.e., the lead reviewer of the application when it is submitted) for the application should be identified to the applicant.

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

Upon receipt of an E&S Permit application, DEP/CCD administrative staff and management will implement the following steps as soon as possible but no longer than five (5) calendar days of the receipt of the application:

- A. DEP/CCD administrative staff will date stamp the application (and all other accompanying information) with the date received and record the date received in the "DEP/CCD Use Only" box on the first page of the application.
- B. DEP/CCD administrative staff will assign an E&S Permit Identification (ID) Number in accordance with Section 6 of the E&S and NPDES Administrative Manual (Permit Numbering) and record the Permit ID number in the "DEP/CCD Use Only" box on the first page of the application.
- C. Process Fees.
 - 1. If the appropriate Base Administrative Filing Fee (\$1,500) for an E&S Permit application was submitted, DEP/CCD administrative staff will process and deposit the fee (including any CCD-specific fees where a CCD is the permitting authority) in accordance with guidance provided under the DEP Management Directive OAM-1000-001 (Deposit of Fees, Fines, Penalties and Other Revenue). If the appropriate Base Administrative Filing Fee for the E&S Permit was not submitted, DEP/CCD administrative staff will follow the procedures for over- or under-payment of fees identified in the DEP Management Directive OAM-1000-001 and Program Clarification Memo PCM_WET_NCEC_13_003.

NOTE 1 – Fees should not be held until after the Completeness Review has been performed.

NOTE 2 – The United States Environmental Protection Agency (EPA), PennDOT, the Pennsylvania Turnpike Commission, DEP, the Department of Conservation and Natural Resources (DCNR), and the Pennsylvania Fish and Boat Commission are exempt from Chapter 102 permit fees. If any other entity claims an exemption, request assistance from the DEP regional office or DEP Bureau of Clean Water.

- 2. DEP/CCD administrative staff will determine whether the appropriate Additional Administrative Filing Fee (i.e., Disturbed Acreage Fee) was submitted by multiplying the Total Earth Disturbance Area reported on page 2 of the application by \$100, where Total Earth Disturbance

² It is the responsibility of an applicant to ensure that all necessary permits are obtained from DEP. The applicant is encouraged to submit their project information through DEP's [Permit Application Consultation Tool](#).

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Area is rounded to the nearest whole number (e.g., for a Total Earth Disturbance Area of 2.5 acres, a Disturbed Acreage Fee of \$300 must be submitted).

- a. If the appropriate Disturbed Acreage Fee was submitted, forward the check to the appropriate DEP office. DEP office staff will confirm by email that the Disturbed Acreage Fee payment was received.

NOTE 3 – CCDs may forward the checks to the DEP office as they are received or may bundle them and forward all checks at least once per week.

- b. If the appropriate Disturbed Acreage Fee was not submitted, DEP/CCD administrative staff will follow the procedures for over- or under-payment of fees identified in the DEP Management Directive OAM-1000-001 and Program Clarification Memo PCM_WET_NCEC_13_003.
3. CCD administrative staff will determine whether the appropriate CCD-specific fees have been submitted. Where DEP is the permitting authority, they will coordinate with the CCD to ensure fee submission, where applicable.
 - a. If the appropriate CCD-specific fee was not submitted, DEP/CCD administrative staff will follow the procedures for over- or under-payment of fees identified in the DEP Management Directive OAM-1000-001 and Program Clarification Memo PCM_WET_NCEC_13_003.
 - b. If the CCD has an expedited (or otherwise named) review fee, the CCD can require a Pre-Application Meeting as part of their expedited review process.

NOTE 4 – Fees (including CCD-specific fees) must be resolved prior to considering an application for completeness (Section III).

D. Preliminary Data Management.

1. If a CCD is the initial recipient of an application, CCD administrative staff will record basic information on the application into an electronic data system (i.e., database, spreadsheet, or other system in which this information can be retrieved for review by staff or other parties). The minimum information that will be recorded includes applicant name, applicant address, project (site) name, E&S Permit ID No., municipality, fees collected and date the application was received.
2. The DEP Application Manager or administrative staff will record the receipt of the application in eFACTS when DEP has received the E&S Permit application and the GIF; the following steps will be taken:
 - a. Create or update a site, client and client-site relationship for the project in eFACTS, as necessary.
 - b. Create or update a primary facility (PF) and at least one subfacility (SF) under the site. The PF should have a Kind of “SWC” (Stormwater Construction (Non-Phased)) or “SWCP” (Stormwater-Phased Construction) as appropriate. To determine which PF Kind to use review page 1 of the Application (i.e., if a Phased Project select “SWCP”). Select an SF type that matches the proposed land use upon completion of the project. Enter as much information in the PF and SF screens as is available, including latitude/longitude coordinates.
 - c. On the eFACTS Application screen, create a new authorization record by entering a new APS (Project) name, Program ID (i.e., E&S Permit ID No.), and date the application was first received (“Recvd”) (not when the DEP office received the application from the CCD),

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and by selecting the client, site, authorization type (“EDP”), application type, and lead reviewer (if known at this stage, otherwise select the Permits Chief).

- d. Select the Master Auth ID (for renewals and amendments) or create the Master Auth (for new applications), as appropriate.
 - e. Enter the total amount received in Administrative and Disturbed Acreage Fees in the Fee Payment screen against the account created for the client. If the CCD has deposited the Administrative Fee, then only report the Disturbed Acreage Fee received.
 - f. Enter consultant information. If a consultant is identified on the application, select the appropriate client or otherwise create the consultant as a client on the Application Screen.
- E. DEP/CCD administrative staff will provide the application to the CCD manager (or assistant manager or supervisor as designated by the manager) (where a CCD is performing the completeness review) or the DEP Permits Chief (where DEP is performing the completeness review). The CCD manager or DEP Permits Chief will:

1. Prioritize the application in accordance with the “Permit Review Hierarchy” contained in the PRP/PDG Policy.

NOTE 5 – A CCD may create an expedited review process under their fee schedule. However, the expedited reviews under such a process would be to pay for overtime for the CCD staff to perform the review. A CCD expedited review would not supersede the PRP/PDG Policy’s Permit Review Hierarchy and a CCD expedited review fee does not affect the processing of the application by the DEP office.

2. Where a CCD believes that the project should receive a higher priority review, the CCD staff will consult with the DEP Permits Chief or Program Manager, specifically when a project may be considered controversial, involves an applicant with an adverse compliance history, or is the subject of legislative interest. In some instances, the DEP office may inform the CCD of a higher priority assignment based upon information that the CCD may not have previously received.
3. Assign an Application Manager to the application, unless this has been done previously, and provide the application to the Application Manager.

III. Completeness Review (Application Manager)

When the Application Manager receives the application from the CCD Manager or Permits Chief, the Application Manager will, within 15 business days from DEP/CCD’s completion of Step II, review the application for administrative completeness and overall technical adequacy, as follows.

A. Completeness Review by Application Type.

1. **New Applications** – The Application Manager will document the completeness review of new applications using the E&S Permit Fact Sheet template (see **Attachment B**), which serves as the record of decision on the application. The DEP Application Manager and Permits Chief will sign the Fact Sheet. A complete and technically adequate application for a new project is characterized by a response of “TRUE” or “N/A” for all items in the Application Completeness Review Checklist of the Fact Sheet, not including fees addressed in Section II.C.
2. **Renewal Applications** – A complete and technically adequate E&S Permit application for an existing permittee seeking renewal of their E&S Permit must include only a complete application (3800-PM-BCW0019b) along with correspondence indicating that 1) no changes to

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the E&S and PCSM Plans are planned and 2) a description of the work that has been completed and the work that is still remaining. In addition, a new Administrative Filing Fee is required. If any changes to the E&S and/or PCSM Plans are proposed, the applicant must check the box on the application for a Major or Minor Amendment. If the timing of the amendment coincides with the timing of a renewal application, both the Renewal and Major or Minor Amendment boxes should be checked. A Fact Sheet will be completed for all renewal applications; however, in lieu of completing a new Fact Sheet for a renewal, the Fact Sheet may consist of or refer to prior review documentation assuming there have been no changes.

3. **Amendment Applications** – The contents of a complete and technically adequate E&S Permit application for an existing permittee seeking a Major or Minor Amendment must include 1) a complete application (3800-PM-BCW0019b) with any change to the original information presented in bold text, and 2) other information to be determined by DEP/CCD in consultation with the permittee and following the guidelines in DEP’s [Frequently Asked Questions \(FAQ\) for Chapter 102 Permit Amendments](#). Fact Sheets are optional for amendment applications.

NOTE 6 – All Major Amendments to E&S Permits must be issued by DEP. A Minor Amendment which is solely related to the E&S Plan can be issued by DEP or a delegated CCD after coordination with DEP. A Minor Amendment which includes revisions to the PCSM Plan can be issued by DEP or a PCSM-delegated CCD after coordination with DEP.

NOTE 7 – The Compliance History section of the application should contain at a minimum all violations that have been the subject of a DEP/CCD enforcement action. The applicant is expected to report all such violations of a regulation, permit, order, or schedule of compliance in a truthful and accurate manner. If an Application Manager has concerns with the information in this section, the DEP Application Manager can query the internal version of eFACTS and the CCD Application Manager can query the public version of eFACTS following the guidelines contained in Section 12 of the E&S and NPDES Administrative Manual.

If the Application Manager has questions concerning applications, the Application Manager should communicate with the DEP regional office (where a CCD is the initial recipient of applications) or applicant to obtain clarification as necessary and/or issue an **Incompleteness Letter** as described in Section III.D, below.

B. Determination – Application is Complete.

If none of the criteria in the E&S Permit Fact Sheet (Application Completeness Review Checklist) are found to be deficient or technically inadequate, the Application Manager or DEP/CCD administrative staff will complete the steps below and proceed to Section IV.

1. Check the box next to “Application Complete” in the “DEP/CCD Use Only” box on page 1 of the application.
2. Enter the date the application was determined to be complete in the “DEP/CCD Use Only” box on page 1 of the application.
3. Where a CCD is the initial recipient of an application, the CCD will update a record of the application in an electronic system to include the date the application was determined to be complete, and transmit the following items (adjusted accordingly if the Application Type is Renewal or Amendment) to the appropriate DEP office.
 - The original signed Application Form;
 - The original signed General Information Form;
 - One copy of the County Notification Form (and proof of receipt, if applicable);

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- One copy of the Municipal Notification Form (and proof of receipt, if applicable);
 - The original signed PNDI Receipt (and one copy of any applicable PNDI clearance letter(s) from jurisdictional agencies, if applicable);
 - One copy of the PHMC clearance letter(s) (if applicable);
 - The original signed and one copy of E&S Module 1 (if applicable);
 - Two copies of the E&S Plan Drawings (if applicable);
 - Two copies of any E&S Standard Worksheets (or equivalent) and supporting calculations (if applicable);
 - The original signed and one copy of PCSM Module 2 (if applicable);
 - Two copies of the PCSM Plan Drawings (if applicable);
 - Two copies of the following, as applicable, PCSM supporting calculations – BMP design, PCSM supporting calculations – stormwater analysis, DEP PCSM Spreadsheet – Volume Worksheet, DEP PCSM Spreadsheet – Rate Worksheet, and DEP PCSM Spreadsheet – Quality Worksheet (as applicable);
 - One copy of any soil/geologic test results (if applicable);
 - The original signed and one copy of Antidegradation Analysis Module 3 (if applicable); and
 - The original signed and one copy of Riparian Buffer Module 4 (if applicable).
4. The DEP Application Manager or administrative staff will update eFACTS as follows:
- a. Close out the “COMPL” task and subtask using a Begin Date of when the application was received and the End Date as the date the application was deemed to be complete.
 - b. Enter the Begin Date of the Technical Review Standard Task as the date the application was deemed to be complete.
 - c. Enter the Begin Date of the “DR” and “ER” subtasks as the date the application was deemed to be complete and the Due Date as the end of the 15-day completeness review period.

At the discretion of the DEP/CCD Application Manager, the DEP/CCD Application Manager or administrative staff may prepare and send a **Completeness Notification Letter** to the applicant or otherwise transmit an email to the applicant.

5. *Pennsylvania Bulletin* Notice and Public Comment Period.
- a. DEP administrative staff or the DEP Application Manager will prepare a public notice for publication in the *Pennsylvania Bulletin* using the template named “06_##_NPDES_Stormwater_Indiv_BPA12” (where “##” is replaced with the DEP region number) (available at \\pa.lcl\epshares\AppDev\Efacts\PA_BULLETIN, select Templates – 2019, 01_Applications, and 01_NPDES_Federal). DEP administrative staff or the DEP Application Manager will post the *Pennsylvania Bulletin* notice in the appropriate network location.

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b. Following Public Comment Period.

i. No Public Comments Received.

If no public comments are received within the 30-day comment period following publication in the *Pennsylvania Bulletin*, the DEP Application Manager will check the appropriate box on the Fact Sheet.

ii. Public Comments are Received.

The DEP Application Manager will review the comments received from the public. In general, if there are five or more independent requests (from separate individuals or organizations that may be affected by issuance of a final permit) for a public hearing for non-EV surface waters or at least one request for EV surface waters, or if the DEP Program Manager otherwise determines that there is “significant public interest” in holding a public hearing, the DEP Application Manager will coordinate with the DEP Regional Community Relations Coordinator to schedule a public hearing. Following the hearing and receipt of the hearing transcript, the DEP Application Manager will prepare a Comment-Response document that addresses all comments received during the public comment period and hearing. The Comment-Response document will be attached to the final permit decision letter.

A. If public comments are received and a public hearing is not held, the DEP Application Manager will review the comments and decide whether the applicant will need to address the comments during the Technical Review. The DEP Application Manager will consult with the DEP Program Manager and Permits Chief, as necessary. A Comment-Response document will not be prepared unless determined otherwise by the DEP Program Manager. However, the Fact Sheet will be updated to summarize public comments and explain how they were considered in the final decision.

B. If a Comment-Response document is prepared, a copy of the document and the final permit cover letter will be mailed to all commenters.

The DEP Application Manager will check the appropriate box on the Fact Sheet.

C. Determination – Application Contains Minor Deficiencies.

1. If the application contains deficiencies that are determined to be minor (i.e., an item that in the DEP/CCD Application Manager’s judgment can be corrected within two (2) business days), the Application Manager will not consider the application incomplete, but will contact the applicant (or the applicant’s authorized representative) by phone to explain the deficiency and offer the opportunity to submit the necessary materials informally by the end of the second business day to make the application complete. The Application Manager may or may not (at the Application Manager’s discretion) follow up the phone call with an email to the applicant and/or consultant.

NOTE 8 – The Application Manager should attempt to communicate with the applicant directly. Where this fails, the Application Manager may attempt to communicate with the consultant, if any. This contact can include an email to the applicant, with the consultant copied, which identifies the deficiencies and the deadline to respond.

- a. Where a CCD is the initial recipient of an application, the CCD will update a record of the application in an electronic system to include the date of the contact with either the applicant or their consultant.

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- b. The DEP Application Manager or administrative staff will enter the subtask “PPC” into eFACTS to identify the phone call. The Begin Date will be the date of the phone call and the Due Date will be the date that the information is to be submitted. The End Date will either be the date the response is received or the date of the **Incompleteness Letter** (as described in Section III.D).
 2. A phone log will be kept that details the name of the person contacted, the day and time of the conversation, and notes for all communications regarding the application review. All phone logs will be retained with the application file during and following final action on the application, or otherwise a database or spreadsheet will be used and made accessible to allow others to check latest correspondence for a case if the Application Manager is out of the office.
 3. In the event the Application Manager is unable to contact the applicant or consultant by phone after two attempts, or if a phone message is not returned after two business days, the Application Manager will proceed to Section III.D.
 4. After the necessary materials have been received (receipt by email or fax is acceptable except when original signatures, plans or seals are needed), and assuming the application can then be considered complete, the Application Manager will follow the steps in Section III.B, above.
 5. If a submission is not received or if a submission is received but does not correct the original minor deficiencies, the Application Manager will proceed to Section III.D.
- D. Determination – Application is Incomplete.
1. If the application is incomplete and the deficiencies are determined not to be minor or if the applicant does not respond to or correct the minor deficiencies, the Application Manager will officially deem the application to be incomplete. The Application Manager will prepare and send an **Incompleteness Letter**, which will be reviewed and signed by the CCD Manager or DEP Program Manager/Permits Chief.

NOTE 9 – Only one (1) incompleteness letter will be sent by the Application Manager.

- a. The incompleteness letter will cite the statutory or regulatory requirement(s) that were not met.
- b. Where a CCD is the initial recipient of an application, the CCD will update a record of the application in an electronic system to include the date the incompleteness letter is transmitted.
- c. The DEP Application Manager or administrative staff will update eFACTS as follows:
 - i. Enter the “COMPL” task and subtask using a Begin Date of when the application was received and the Due Date of 15 business days from the date of receipt.
 - ii. Enter the “SDN” subtask, with the Begin Date of the date of the incompleteness letter and the Due Date will be the date that the response to the letter is to be submitted. The End Date will either be the date the response is received or the date of the withdrawal.
- d. The applicant will be given 60 calendar days to respond. This 60 calendar-day period is referred to as the deficiency correction period. If the applicant does not respond within the 60 calendar days, DEP/CCD will consider the application to be withdrawn by the applicant (per 25 Pa. Code § 102.6(c)(2)).

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- e. The applicant may request, in writing, to extend the time to respond beyond the 60 calendar days. The request must identify the additional amount of time to respond and the justification/reason for the extension. If a request is submitted, the Application Manager will coordinate with the DEP Program Manager/Permits Chief to grant the extension or not. The Application Manager will prepare and send the **Extension Request Letter**, which will be signed by the CCD Manager or DEP Program Manager/Section Chief. Unless otherwise warranted based on consultation with the DEP Program Manager/Permits Chief, the time to respond will not exceed an additional 30 calendar days.

NOTE 10 – In order for the extension request to be considered, the justification must relate to the completeness deficiencies identified and not related to revisions to the plan/project from another approving agency (e.g., municipality, PennDOT, etc.). If the extension request is related to another approving agency's comments, the request will not be granted and the applicant should consider withdrawing their application.

- i. Where a CCD is the initial recipient of an application, the CCD will update a record of the application in an electronic system to include the date of the extension request letter, whether the extension was granted or not, and the new date of when the response is due.
 - ii. The DEP Application Manager or administrative staff will create the "SREL" subtask in eFACTS. The Begin Date will be the of the requested extension, the Due Date will be the response date the response is due and the End Date will be the date of extension request letter. A comment will be added to the "SREL" subtask identifying if the requested was granted or not. If the request is granted, the "SDN" Due Date will be updated to the new due date of the response.
2. If a submission is received (receipt by email or fax is acceptable except when original signatures, plans or seals are needed) within the deficiency correction period that corrects the deficiencies, the Application Manager will consider the application complete and follow the steps in Section III.B, above. In addition, the Application Manager will record the date the response submission was received in the Date Resubmission Received field within the "DEP/CCD Use Only" box on page 1 of the application.
 3. If no submission is received by the end of the deficiency correction period, or if the applicant voluntarily elects to withdraw the application in writing, the Application Manager will prepare and send the **Deemed Withdrawn Letter** or the **Voluntary Withdrawal Letter** (withdrawal letter), which will be reviewed and signed by the CCD Manager or DEP Program Manager/Permits Chief. The Application Manager will check the appropriate box for "Withdrawal" and identify the date of the withdrawal letter in the "DEP/CCD Use Only" box on page 1 of the application.
 - a. The CCD Manager or DEP Program Manager/Permits Chief will sign the E&S Permit Fact Sheet.
 - b. Where a CCD is the initial recipient of the application, the CCD will update a record of the application in an electronic system to include the date the withdrawal letter is transmitted.
 - c. The DEP Application Manager or administrative staff will close the COMPL task and subtask by entering the End Date as the date the deficiency correction period ended, dispose the authorization in eFACTS by selecting "Withdrawn" for the disposition code, and enter the date of the withdrawal letter in the field for date disposed.
 - d. DEP/CCD will retain one copy of the application package and the withdrawal letter in its official files for a period no less than 60 days. After the 60 days, the file may be purged with only the withdrawal letter retained.

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NOTE 11 – If an application is withdrawn, no *Pennsylvania Bulletin* notice is required.

NOTE 12 – If an application is withdrawn, the Base Administrative Filing Fee (\$1,500) and Disturbed Acreage Fee will not be refunded. However, the Disturbed Acreage Fee does not have to be re-paid upon submission of a new application for the exact same project (whether or not it is the same applicant). A new Base Administrative Filing Fee (\$1,500) must however be paid for a new application.

4. If a submission is received by the end of the deficiency correction period that does not correct the deficiencies, the Application Manager will prepare and send the ***Denial of Incomplete Application Letter*** (denial letter) after the end of the deficiency correction period, which will be signed by the CCD Manager or DEP Program Manager. The Application Manager will check the appropriate box for “Denied” and record the date of the denial letter in the “DEP/CCD Use Only” box on page 1 of the application.

NOTE 13 – The permitting authority is under no obligation to identify to the applicant if their response submission does not make their application complete. However, if there are only minor deficiencies, as described above, the Application Manager can proceed as described in Section III.C above to try and resolve the minor deficiencies.

- a. The CCD Manager or DEP Program Manager/Permits Chief will sign the E&S Permit Fact Sheet.
- b. Where a CCD is the initial recipient of an application, the CCD will update a record of the application in an electronic system to include the date the denial letter is transmitted, and transmit a *Pennsylvania Bulletin* notice of the denial to the DEP regional office.
- c. Where DEP is the sole recipient of an application, the DEP Application Manager or administrative staff will prepare a *Pennsylvania Bulletin* notice of the denial and update eFACTS as follows:
 - i. Complete the “COMPL” subtask, by entering the End Date as the date of the denial of incomplete application letter.
 - ii. Enter a “DENC” subtask, with Begin, Due and End Dates as the date of the denial of incomplete application letter.
 - iii. Dispose the authorization in eFACTS by selecting “Denied” for the disposition code and enter the date of the denial letter in the field for date disposed.
- d. DEP/CCD will retain one copy of the application package and denial letter in its official files for a period no less than 90 days.

NOTE 14 – If an application is denied, a *Pennsylvania Bulletin* notice is required, which should be published in the special notices section of the *Pennsylvania Bulletin* or as otherwise determined by the DEP regional office.

NOTE 15 – If an application is denied, the Base Administrative Filing Fee (\$1,500) and Disturbed Acreage Fee will not be refunded. Both fees must be included in any resubmission, even for the exact same project.

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IV. Technical Review (Application Manager)

Applications will be reviewed in order of priority as determined under the PRP/PDG Policy; in the event of a conflict, the matter will be resolved by the DEP Program Manager. After the application has been deemed complete (Section III.B), the DEP/CCD Application Manager will conduct the First Technical Review in accordance with Section IV.A below. Technical Review of E&S Permit applications will be documented on the E&S Permit Fact Sheet.

A. First Technical Review.

The review period objective for the First Technical Review is 47 business days.

1. New Applications

- a. Erosion and Sediment Control (E&S) Plan Technical Review – Application Managers will conduct a technical review of all E&S Plans for new applications utilizing either the Standard E&S Control Plan Technical Review Checklist or the Expanded E&S Control Plan Technical Review Checklist as contained on pages 357 or 360 (depending on the reviewer’s knowledge and experience), respectively, of the [Erosion and Sediment Pollution Control Program Manual](#) (E&S Manual). Documentation of the use of the checklist will be identified in the E&S Permit Fact Sheet and the completed checklist will be attached to the E&S Permit Fact Sheet.
- b. Post-Construction Stormwater Management (PCSM) Plan Technical Review (Delegated CCD or DEP) – The Application Manager (DEP unless the CCD is PCSM-delegated) will conduct a technical review of the PCSM Plan using the PCSM Plan Technical Review Checklist in the E&S Permit Fact Sheet.

E&S and PCSM Plan technical reviews will be conducted concurrently, as applicable.

2. **Renewal Applications** – Because the E&S and PCSM Plans cannot be revised by a renewal, there is no need for a Technical Review to be performed on the E&S and PCSM Plans.
3. **Amendment Applications** – If necessary, the Application Manager will perform the Technical Review on the amended E&S and/or PCSM Plans in accordance with Section IV.A.1 above.

B. Determination – The E&S and PCSM Plans do not contain technical deficiencies.

If the E&S and PCSM Plans do not contain technical deficiencies, the Application Manager or DEP/CCD administrative staff will complete the steps below and proceed to Section VI.

1. If a CCD is the initial recipient of the application, the CCD Application Manager will notify the DEP Application Manager or Permits Chief through email that there were no technical deficiencies with the E&S Plan and, if PCSM-delegated, the PCSM Plan. The CCD will update a record of the application in an electronic system to include the date when the technical review was completed.
2. The DEP Application Manager will enter the End Date for the open “ER” subtask as the date that the first technical review was completed.

C. Determination – The E&S and/or PCSM Plans contain minor technical deficiencies.

1. If the E&S and/or PCSM Plans contain technical deficiencies that are determined to be minor (i.e., an item that in the CCD and/or DEP Application Manager’s judgment can be corrected within two (2) business days), the DEP Application Manager will contact the applicant (or the applicant’s authorized representative) by phone to explain the technical deficiency and offer

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the opportunity to submit the necessary materials informally by the end of the second business day. The DEP Application Manager may or may not (at the DEP Application Manager's discretion) follow up the phone call with an email to the applicant and/or consultant.

NOTE 16 – The DEP Application Manager should attempt to communicate with the applicant directly. Where this fails, the DEP Application Manager may attempt to communicate with the consultant, if any. This contact can include an email to the applicant, with the consultant copied, which identifies the deficiencies and the deadline to respond.

- a. If a CCD is the initial recipient of the application, the CCD Application Manager will provide the DEP Application Manager or Permits Chief with a list of the minor technical deficiencies identified in the E&S and/or PCSM Plans.
 - b. The DEP Application Manager will enter the subtask "PPC" into eFACTS to identify the phone call. The Begin Date will be the date of the phone call and the Due Date will be the date that the information is to be submitted. The End Date will either be the date the response is received or the date of the technical deficiency letter (as described in Section IV.D).
2. A phone log will be kept that details the name of the person contacted, the day and time of the conversation, and notes for all communications regarding the technical review. All phone logs will be retained with the application file during and following final action on the application, or otherwise a database or spreadsheet will be used and made accessible to allow others to check latest correspondence for a case if the DEP Application Manager is out of the office.
 3. In the event the DEP Application Manager is unable to contact the applicant or consultant by phone after two attempts, or if a phone message is not returned after two business days, the DEP Application Manager will proceed to Section IV.D.
 4. After the necessary materials have been received (receipt by email or fax is acceptable except when original signatures, plans or seals are needed), and assuming the minor technical deficiencies have been addressed, the DEP Application Manager will follow the steps in Section IV.B, above.
 5. If a submission is not received or if a submission is received but does not correct the original minor technical deficiencies, the DEP Application Manager will proceed to Section IV.D.
- D. Determination – The E&S and/or PCSM Plans contain technical deficiencies.
1. If the E&S and/or PCSM Plan contain technical deficiencies or if the applicant does not respond to or correct the minor technical deficiencies, the DEP Application Manager will prepare and send a **Technical Deficiency Letter**, which will be signed by the DEP Program Manager/Permits Chief.

NOTE 17 – Only one (1) technical deficiency letter will be sent.

NOTE 18 – If the CCD is not PCSM-delegated, the CCD Application Manager will provide the DEP Application Manager or Permits Chief with a list of the technical deficiencies with the E&S Plan, including the statutory or regulatory citations, through email.

NOTE 19 – If the CCD is PCSM-delegated, the CCD Application Manager will prepare the technical deficiency letter and send it to the DEP Application Manager or Permits Chief, through email. The technical deficiency letter will always be signed by the DEP Program Manager/Permits Chief for E&S Permits.

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- a. The technical deficiency letter will cite the statutory or regulatory requirement(s) that were not met.
- b. Where a CCD is the initial recipient of an application, the CCD will update a record of the application in an electronic system to include the date the technical deficiency letter is transmitted.
- c. The DEP Application Manager will enter the subtask “SDN” into eFACTS. The Begin Date will be the date of the technical deficiency letter and the Due Date will be the date that the response to the letter is to be submitted. The End Date will either be the date the response is received, the date of the withdrawal or the date the application enters the Elevated Review.
- d. The applicant will be given 30 calendar days to respond unless otherwise warranted based on consultation with the DEP Program Manager/Permits Chief. This 30 calendar-day period is referred to as the deficiency correction period. If the applicant does not respond within the deficiency correction period, the Application Manager will proceed to Section IV.D.4, below.
- e. The applicant may request, in writing, to extend the time to respond beyond the initial deficiency correction period. The request must identify the additional amount of time to respond and the justification/reason for the extension. If a request is submitted, the DEP Application Manager will coordinate with the DEP Permits Chief or Program Manager to decide whether to grant the extension. The DEP Application Manager will prepare and send the **Extension Request Letter**, which will be signed by the DEP Program Manager/Permits Chief. Unless otherwise warranted based on consultation with the DEP Program Manager/Permits Chief, the time to respond will not exceed an additional 15 calendar days.

NOTE 20 – In order for the extension request to be considered, the justification must relate to the technical deficiencies identified and not related to revisions to the plan/project from another approving agency (e.g., municipality, PennDOT, etc.). If the extension request is related to another approving agency’s comments, the request will not be granted and the applicant should consider withdrawing their application.

- i. Where a CCD is the initial recipient of an application, the CCD will update a record of the application in an electronic system to include the date of the extension request letter, whether the extension was granted or not, and the new date of when the response is due.
 - ii. The DEP Application Manager will create a “SREL” subtask in eFACTS. The Begin Date will be the of the requested extension, the Due Date will be the response date the response is due and the End Date will be the date of extension request letter. A comment will be added to the “SREL” subtask identifying if the requested was granted or not. If the request is granted, the “SDN” Due Date will be updated to the new due date of the response.
2. If a submission is received (receipt by email or fax is acceptable except when original signatures, plans or seals are needed) within the deficiency correction period the DEP Application Manager will follow the steps in Section IV.B, above.
 3. If the applicant voluntarily elects to withdraw the application in writing, the Application Manager will prepare and send the **Withdrawal by Applicant Letter** (self-withdrawal letter), which will be signed by the DEP Program Manager/Permits Chief.

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- a. Where a CCD is the initial recipient of an application, the CCD will update a record of the application in an electronic system to include the date the withdrawal letter is transmitted.
- b. DEP administrative staff or the DEP Application Manager will close the COMPL task and subtask by entering the End Date as the date the deficiency correction period ended, dispose the authorization in eFACTS by selecting “Withdrawn” for the disposition code, and enter the date of the withdrawal letter in the field for date disposed.
- c. DEP/CCD will retain one copy of the application package and the withdrawal letter in its official files for a period no less than 60 days. After the 60 days, the file may be purged with only the withdrawal letter retained.

NOTE 21 – If an application is withdrawn, no *Pennsylvania Bulletin* notice is required.

NOTE 22 – If an application is withdrawn, the Base Administrative Filing Fee (\$1,500) and Disturbed Acreage Fee will not be refunded. However, the Disturbed Acreage Fee does not have to be re-paid upon submission of a new application for the exact same project (whether or not it is the same applicant). A new Base Administrative Filing Fee (\$1,500) must however be paid for a new application.

4. If the applicant does not respond to the technical deficiency letter by the deadline provided, the DEP Application Manager will proceed to Section V.

The DEP Application Manager will enter the “ELEV” subtask in eFACTS. The Begin Date will be the date of when the DEP Application Manager identifies the elevated review to the DEP Program Manager and the Due Date will be 10 business days after the Begin Date. The End Date will be the date of when a decision is made on the application.

E. Second Technical Review.

If a submission is received by the end of the deficiency correction period, the Second Technical Review process will begin. The review period objective for the Second Technical Review is 22 business days.

1. The DEP Application Manager will enter a new “ER” subtask, with the Begin Date of when the response submission was received and the Due Date will be 22 business days from the receipt of the response submission. The End Date will be when the second technical review has been completed.
2. The CCD and/or DEP Application Manager will conduct a technical review of the revised E&S and/or PCSM Plans in accordance with Section IV.A, above.
3. If the revised E&S and/or PCSM Plans do not contain technical deficiencies, the CCD and/or DEP Application Manager will follow the steps in Section IV.B, above.
4. If the revised E&S and/or PCSM Plans contain technical deficiencies that are determined to be minor (i.e., an item that in the CCD and/or DEP Application Manager’s judgment can be corrected within two business days), the DEP Application Manager will follow the steps in Section IV.C, above.
5. If the revised E&S and/or PCSM Plans contain technical deficiencies that are determined not to be significant or if the applicant does not respond to or correct the minor technical deficiencies, the DEP Application Manager will proceed to Section V.

The DEP Application Manager will enter the “ELEV” subtask in eFACTS. The Begin Date will be the date of when the DEP Application Manager identifies the elevated review to the DEP

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Program Manager and the Due Date will be 10 business days after the Begin Date. The End Date will be the date of when a decision is made on the application.

V. Elevated Review Process (Application Manager & DEP Program Manager and Permits Chief)

If the response to a technical deficiency letter does not correct the technical deficiencies, the application will move to the Elevated Review Process. The applicant can also request the Elevated Review Process at any time during the Technical Review of the application. The Elevated Review Process will be as follows:

- A. The DEP Application Manager will coordinate with the CCD Application Manager as necessary to prepare and transmit the **Notice of Elevated Review Memo** to DEP's Program Manager and Permits Chief. The notice of elevated review memo will identify all technical deficiencies and will cite the statutory or regulatory requirement(s) that were not met. Where a CCD is the initial recipient of an application, the CCD will update a record of the application in an electronic system to include the date when the notice of the elevated review memo was sent to DEP's Program Manager.
- B. DEP/CCD staff will discuss and agree on next steps, which may include making a permit decision, scheduling a meeting or call with the applicant and their consultant, and/or providing an additional opportunity to correct technical deficiencies through the transmission of a **Notification of Elevated Review Letter**.
 1. If a permit decision will be made, the DEP Application Manager will proceed to Section VI.
 2. If a meeting will be held, the DEP Application Manager will proceed to Section V.C.
 3. If a notification of elevated review letter will be sent without scheduling a meeting, the DEP Application Manager will proceed to Section V.D.
- C. If a meeting will be held, the DEP Application Manager will schedule the Elevated Review with the applicant and then send a **Notice of Elevated Review Meeting Letter**, signed by the DEP Program Manager/Permits Chief, to the applicant as early as possible before the meeting.
 1. The applicant and their consultant should review the notice of elevated review meeting letter and come to the meeting prepared to discuss resolution of the technical deficiencies. A response submission is not expected or encouraged for the meeting.
 2. The attendees at the meeting should include the DEP Program Manager, the DEP Application Manager, the CCD Manager (if the CCD is the initial recipient of the application), the applicant, and the applicant's consultant, at a minimum.
 3. If the meeting results in an agreement to resolve the technical deficiencies, the applicant will be given 10 business days from the date of the meeting to provide a response. The DEP Regional Director may provide the applicant with up to an additional 10 business days to respond upon receipt of a written request from the applicant.
 4. If the meeting results in no agreement to resolve the technical deficiencies, DEP's Program Manager will consult with the Bureau of Clean Water Director and, as necessary, the Deputy Secretaries of Water Programs and Field Operations, to arrive at a decision on the application. Once the decision is communicated to the DEP Application Manager, the DEP Application Manager will proceed to Section VI or otherwise conduct additional steps at the direction of DEP's Program Manager.
- D. If a notification of elevated review letter will be sent, it will be signed by the DEP Program Manager/Permits Chief.

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1. The notification of elevated review letter will cite the statutory or regulatory requirement(s) that were not met.
 2. The applicant will be given 10 business days to respond. If the applicant does not respond within the 10 business days, the DEP Application Manager will proceed to Section VI. If the applicant responds within 10 business days, the DEP Application Manager will consult with the DEP Program Manager and Permits Chief on the response and proceed to Section VI.
- E. If a submission is received and all technical deficiencies have been corrected, the Application Manager will proceed to Section VI. The Application Manager will (in the “DEP/CCD Use Only” box on the first page of the application) identify the Date of Resubmission Received.

VI. Permit Decision and Final Processing (Application Manager and DEP/CCD Manager)

A. Decision – Issue Final Permit.

1. The Application Manager will prepare the ***E&S Permit Issuance Letter*** (final permit cover letter) and the final E&S Permit. Both of these documents will be signed by the DEP Manager. The CCD and DEP Application Manager will stamp their copies of the approved E&S Plan drawings and E&S Module 1 (the date on the stamp will be the Effective Date of the Permit). The DEP Application Manager or DEP administrative staff will transmit permit documentation as follows:
 - a. Permittee (if there is more than one permittee, each permittee will receive the information):
 - Original final permit cover letter, signed by the DEP Program Manager;
 - Final E&S Permit, signed by the DEP Program Manager, where the issuance date will be the date of planned issuance, the effective date will be the same date as the issuance date, and the expiration date will generally be five years minus one day following the effective date;
 - One (1) set of the stamped approved E&S Plan Drawing(s) and E&S Module 1;
 - One (1) set of the approved PCSM Plan Drawing(s) and PCSM Module 2;
 - One copy of the approved Antidegradation Analysis Module 3 and Riparian Buffer Module 4, as applicable;
 - The [Chapter 102 Visual Site Inspection Report](#) form (DEP Document No. 3800-FM-BCW0271d);
 - The [Co-Permittee Acknowledgement Form for Chapter 102 Permits](#) (DEP Document No. 3800-FM-BCW0271a) and Instructions; and
 - The [Notice of Termination for a General \(PAG-02\) or Individual NPDES Permit, ESCP, or ESCGP for Stormwater Discharges Associated with Construction Activities](#) (DEP Document No. 3800-FM-BCW0229b).
 - If applicable, the [PA Stream Buffer Tracking Form](#) (DEP Document No. 3000-FM-OWP0100).
 - b. Permittee’s Consultant and Municipalities (if there is more than one municipality, each municipality will receive the information): Copy of the final permit cover letter and copy of page 1 of the final E&S Permit.
 - c. CCD Office: copy of the final permit cover letter and copy of the final E&S Permit (may be submitted electronically).

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- d. DEP Bureau of Clean Water (via RA-102PermitForms@pa.gov): electronic copies of the approved application, the final permit cover letter, the final E&S Permit, PCSM Module 2, and Riparian Buffer Module 4.
2. The Application Manager will record the Issuance Date, Effective Date and the Expiration Date in the “DEP/CCD Use Only” box on the first page of the application.
3. If a CCD is the initial recipient of an application, CCD administrative staff will record the issuance date, effective date and expiration date into an electronic data system within 5 business days of the final action.
4. The DEP Application Manager or administrative staff will:
 - Close all tasks and subtasks in eFACTS using End Dates corresponding to the date of the final decision to issue a final E&S Permit.
 - Dispose the authorization in eFACTS by entering the issuance date in the “Date Disposed” field, the effective date in the “Effective” field, and the expiration date in the “Expires” field, and selecting “ISSUE” for the disposition.
 - Prepare notice of the approval for publication in the *Pennsylvania Bulletin*.
5. The application file (including all supporting documentation such as the Fact Sheet) will be retained at DEP’s office in accordance with DEP’s record retention schedule for Chapter 102 permits.

B. Decision – Deny Application.

1. The DEP Application Manager will prepare the **E&S Denial Letter** (denial letter). The letter will be sent to and signed by the DEP Program Manager. The letter will identify the statutory and regulatory requirement(s) that have not been met, and respond to any comments provided by the applicant during the comment period.
2. The DEP Application Manager will check the appropriate box for “Denied” and record the date of the denial letter in the “DEP/CCD Use Only” box on page 1 of the application.
3. Where a CCD is the initial recipient of an application, the CCD will update a record of the application in an electronic system to include the date the denial letter is transmitted.
4. The DEP Application Manager or administrative staff will prepare a *Pennsylvania Bulletin* notice of the denial and update eFACTS as follows:
 - a. Complete the “COMPL” subtask, by entering the End Date as the date of the denial letter.
 - b. Enter a “DENC” subtask, with Begin, Due and End Dates as the date of the denial letter.
 - c. Dispose the authorization in eFACTS by selecting “Denied” for the disposition code and enter the date of the denial letter in the field for date disposed.
5. DEP/CCD will retain one copy of the application package and denial letter in its official files for a period no less than 90 days.

NOTE 23 – If an application is denied, a *Pennsylvania Bulletin* notice is required, which should be published in the special notices section of the *Pennsylvania Bulletin* or as otherwise determined by the DEP regional office.

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NOTE 24 – If an application is denied, the Base Administrative Filing Fee (\$1,500) and Disturbed Acreage Fee will not be refunded. Both fees must be included in any resubmission, even for the exact same project.

ATTACHMENT A

**CHAPTER 102 PRE-APPLICATION
MEETING RECORD FORM**



CHAPTER 102 PRE-APPLICATION MEETING RECORD FORM

Project Site Name:	
Applicant Name:	
Meeting Date:	Time:
Meeting Location:	<input type="checkbox"/> Conference Call
Application Manager Name (if known):	
Meeting Attendees:	
Name	Company/Organization / Contact Information
Recommended Agenda:	
<ul style="list-style-type: none"> I. Introductions II. Overview of Permit Review Process (DEP/CCD) III. DEP/CCD expectations IV. Overview of Permit Decision Guarantee (DEP/CCD, if applicable) V. Project overview (Applicant/Consultant) <ul style="list-style-type: none"> a. Brief description of project b. Identification on unique site features on the Project Site 	

c. Identification of status of design; including potential E&S and PCSM BMPs

d. Status of PNDI Search

VI. Identification of required Chapter 102 Permit (DEP/CCD)

VII. Review NOI/Application forms and Instructions (DEP/CCD)

VIII. Discussion of common completeness and technical deficiencies (DEP/CCD)

IX. Questions and answers

X. Next steps (DEP/CCD)

Meeting Notes:

Handouts Provided by DEP During Meeting:

Name of DEP/CCD Representative Recording Notes:

Date Record Form Provided to Applicant:

ATTACHMENT B

E&S PERMIT FACT SHEET



(DISTRICT OR DEP OFFICE NAME)

**CHAPTER 102 E&S PERMIT
FACT SHEET**

Application No. _____

The checklists contained in this fact sheet are intended to provide guidance to staff reviewing the application but are not intended to be inclusive of all administrative and technical considerations; staff may supplement the information on this checklist with additional factors prescribed under regulations.

Applicant and Project Information	
Applicant Name: _____	Project Name: _____
Applicant Address: _____ _____	Project Address: _____ _____
Municipality: _____	County: _____
Receiving Water(s): _____	Ch. 93 Class: _____
Date Application Received: _____	Earth Disturbance: _____ acres
Application Type: (New / Renewal / Amendment) _____	
Project Description: _____	

Application Completeness Review Checklist

COMPLETENESS ITEM	TRUE	FALSE	N/A
1. 102.6(a)(1) – One original and one copy of the complete application form (3800-PM-BCW0019b) were submitted and were completed as instructed in the Application Instructions (3800-PM-BCW0019a).	<input type="checkbox"/>	<input type="checkbox"/>	
2. 102.6(a)(1) – One original and one copy of the complete GIF (0210-PM-PIO0001).	<input type="checkbox"/>	<input type="checkbox"/>	
3. 102.6(a)(1) – Two copies of County and Municipal Notification Forms (3800-FM-BCW0271b and 3800-FM-BCW0271c, respectively) with county and municipal signatures or proof that the county and municipality received the forms were submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. 102.6(a)(2) – Two copies of the PNDI receipt (draft receipts not acceptable), which will not expire prior to anticipated authorization of permit coverage, were submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. 102.6(a)(1) – One original and two copies of the complete E&S Module 1 (3800-PM-BCW0406a) were submitted and were completed as instructed in the Application Instructions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. 102.4(b)(5)(ix) – Details were provided for all E&S BMPs (Question 5 of E&S Plan Information) (can be provided on the E&S Plan Drawings).	<input type="checkbox"/>	<input type="checkbox"/>	
b. 102.4(b)(5)(viii) – Standard E&S Worksheets from the E&S Manual (or their equivalent) were attached.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Approve	Deny	Signature	Date
<input type="checkbox"/>	<input type="checkbox"/>	CCD Application Manager Name	
<input type="checkbox"/>	<input type="checkbox"/>	CCD Professional Engineer (if CCD is PCSM Delegated)	
<input type="checkbox"/>	<input type="checkbox"/>	CCD Manager Name	
<input type="checkbox"/>	<input type="checkbox"/>	DEP Application Manager Name	
<input type="checkbox"/>	<input type="checkbox"/>	DEP Permits Chief / Program Manager Name	

Application Completeness Review Checklist (continued)

c.	102.4(b)(5)(viii) – Supporting E&S calculations were provided (for any calculation not handled by a Standard E&S Worksheet or an equivalent).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	102.4(c) – An Off-site Discharge Analysis was provided, if applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	102.4(b)(5)(v) – If hydric soils are present, a wetland determination was submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	102.4(b)(5)(ix) – Three sets or copies of E&S Plan Drawing(s) were submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a.	102.4(b)(5)(i) – The Drawing(s) include existing and proposed topography (including any temporary contours) with appropriate contour labels.	<input type="checkbox"/>	<input type="checkbox"/>	
b.	102.4(b)(5)(iii) – The Drawing(s) include the project site boundary.	<input type="checkbox"/>	<input type="checkbox"/>	
c.	102.4(b)(5)(iii) – The Drawing(s) include the limit of earth disturbance within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	
d.	102.4(b)(5)(v) – The Drawing(s) show receiving surface water(s) and watershed boundaries, if applicable, within the project site and floodway or floodplain.	<input type="checkbox"/>	<input type="checkbox"/>	
e.	102.4(b)(5)(ix) – The Drawing(s) identify all discharge points.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	102.4(b)(5)(vi) – The Drawing(s) show the location of all BMPs and drainage areas to the BMPs as applicable.	<input type="checkbox"/>	<input type="checkbox"/>	
g.	102.4(b)(5)(iii) – The Drawing(s) show existing and proposed utilities and site improvements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h.	102.4(b)(5)(xv) – The Drawing(s) show existing and proposed riparian buffer(s), if applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i.	102.4(b)(5)(iii) – The Drawing(s) show proposed off-site support activities, if applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j.	102.4(c) – The Drawing(s) show the Avoidance Measures specified on the signed PNDI receipt, if applicable. ¹	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k.	102.4(b)(5)(vii) – The Drawing(s) provide for protection of infiltration PCSM BMPs until drainage areas are completely stabilized, if applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l.	102.4(b)(5)(vii) & 102.4(b)(5)(xii) – The Drawing(s) show the sequence of construction, an operation and maintenance (O&M) program, and procedures for recycling or disposing of materials (not necessary if a separate narrative is attached).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m.	102.4(b)(5)(xiv) – The Drawing(s) are consistent with the PCSM Plan Drawing(s) and are final for construction.	<input type="checkbox"/>	<input type="checkbox"/>	
7.	102.6(a)(1) – One original and two copies of the complete PCSM Module 2 (3800-PM-BCW0406b) were submitted and were completed as instructed in the Application Instructions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a.	102.8(n) – The project qualifies as a Site Restoration Project. ²	<input type="checkbox"/>	<input type="checkbox"/>	
b.	102.8(g)(1) – A pre-development site characterization was provided (e.g., soils and geotechnical testing results and narrative of methods and results).	<input type="checkbox"/>	<input type="checkbox"/>	
c.	102.8(g)(1) – Soil/geologic test results were attached. Infiltration testing is required for a PCSM BMP which proposes infiltration, unless otherwise found acceptable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	102.8(f)(8), 102.8(g)(2) & 102.8(g)(4) – Printout of DEP's PCSM Spreadsheet – Volume Worksheet was attached. ³	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	102.8(f)(8), 102.8(g)(2) & 102.8(g)(4) – Stormwater Analysis – Runoff Volume Questions 5 – 9 were answered and supporting calculations were provided. ³	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	102.8(f)(8), 102.8(g)(3) & 102.8(g)(4) – Printout of DEP's PCSM Spreadsheet – Rate Worksheet was attached. ⁴	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g.	102.8(f)(8), 102.8(g)(3) & 102.8(g)(4) – Stormwater Analysis – Peak Rate Questions 5 – 9 were answered and supporting calculations were provided. ⁴	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Application Completeness Review Checklist (continued)

h.	102.8(f)(8), 102.8(g)(2) & 102.8(g)(4) – Printout of DEP’s PCSM Spreadsheet – Quality Worksheet was attached.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	102.8(f)(9) – Three sets or copies of PCSM Plan Drawing(s) were submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a.	102.8(c) & 102.8(d) – The Drawing(s) are consistent with the E&S Plan Drawing(s) and are final for construction.	<input type="checkbox"/>	<input type="checkbox"/>	
b.	102.8(f)(1) – The Drawing(s) include existing and proposed topography with appropriate contour labels.	<input type="checkbox"/>	<input type="checkbox"/>	
c.	102.8(f)(3) – The Drawing(s) include the project site boundary.	<input type="checkbox"/>	<input type="checkbox"/>	
d.	102.8(f)(3) – The Drawing(s) include the limit of earth disturbance within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	
e.	102.8(f)(5) – The Drawing(s) show receiving surface water(s) and watershed boundaries, if applicable, within the project site and floodway or floodplain.	<input type="checkbox"/>	<input type="checkbox"/>	
f.	102.8(f)(9) – The Drawing(s) identify all discharge points.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g.	102.8(f)(6) – The Drawing(s) show the location of all BMPs with identifiers cross-referenced to PCSM Module 2.	<input type="checkbox"/>	<input type="checkbox"/>	
h.	102.8(f)(9) – Details were provided for all PCSM BMPs (required for any PCSM BMP identified in Question 1 of PCSM Plan Information).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i.	102.8(f)(3) – The Drawing(s) show existing and proposed utilities and site improvements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j.	102.8(f)(14) – The Drawing(s) show existing and proposed riparian buffer(s), if applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k.	102.8(f)(3) – The Drawing(s) show proposed off-site support activities, if applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l.	102.8(f)(15) – The Drawing(s) show the Avoidance Measures specified on the signed PNDI receipt, if applicable. ¹	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m.	102.8(f)(7) & 102.8(f)(10) – The Drawing(s) show the sequence of PCSM BMP implementation, a long-term operation and maintenance (O&M) schedule, procedures for recycling or disposing of materials, and critical stages of BMP implementation (not necessary if a separate narrative is attached).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n.	102.8(f)(2) – The Drawing(s) show sensitive features including sinkholes, surface depressions, soil contamination hot spots, and wetlands, if applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o.	102.8(g)(1) – The Drawing(s) show the location of test pits used for infiltration testing as cross-referenced to PCSM Module 2, Infiltration Information.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.	102.6(a)(1) – Three copies of the complete Antidegradation Analysis Module 3 (3800-PM-BCW0406c) were submitted and were completed as instructed in the Application Instructions if 1) there are proposed discharges to special protection waters, and/or 2) there are proposed discharges directly to waters impaired for siltation, sediment, turbidity, water/flow variability, flow alterations/modifications, or nutrients.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.	102.6(a)(1) – Three copies of the complete Riparian Buffer Module 4 (3800-PM-BCW0406d) were submitted and were completed as instructed in the Application Instructions if the earth disturbance or project site is within 150 feet of a perennial or intermittent river, stream, or creek, lake, pond or reservoir designated for special protection.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Footnotes:

- 1 If the PNDI receipt indicates "Avoidance Measures," the applicant must have signed the PNDI receipt and included the avoidance measures on the E&S and PCSM Plans; otherwise clearance letters must be included in the Application.
- 2 If the entire project meets 25 Pa. Code § 102.8(n), then responses to Questions 7.b – 7.h may be omitted.
- 3 The response to either Question 7.d or 7.e must be TRUE for the project to be deemed complete.
- 4 The response to either Question 7.f or 7.g must be TRUE for the project to be deemed complete.

Application Manager's Completeness Review Comments:

E&S Technical Review Checklist ^{1, 2}

TECHNICAL REVIEW ITEM	TRUE	FALSE	N/A
1. The Standard E&S Control Plan Technical Review Checklist is attached.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. The Expanded E&S Control Plan Technical Review Checklist is attached.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. 102.11(a)(1) – E&S BMPs have been designed in accordance with the E&S Manual.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. 102.11(b) – Where E&S BMPs have been designed with a deviation from the E&S Manual, such deviations were found to be consistent with 25 Pa. Code § 102.11(b).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. 102.11(b) – Alternative E&S BMPs are consistent with the Approved Alternative E&S BMP List .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. 102.2(b) – There will be discharges directly to waters impaired for siltation, sediment, turbidity, water/flow variability, flow alterations/modifications, or nutrients.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. 102.2(b) – The applicant has proposed E&S BMPs to treat such discharges consistent with a non-discharge alternative or ABACT.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Footnotes:

- 1** In addition to deficiencies identified through the use of the Standard or Expanded E&S Control Plan Technical Review Checklists, the Application Manager should consider an answer of FALSE a technical deficiency when both Questions 3 and 4 are FALSE, and when Questions 5 or 6.a are FALSE.
- 2** A technical review of the E&S Plan is not required for renewal Applications or for amendment Applications where there is no new earth disturbance.

Application Manager’s E&S Technical Review Comments:

PCSM Technical Review Checklist ^{1,2}

TECHNICAL REVIEW ITEM	TRUE	FALSE	N/A
1. The CCD is not PCSM delegated.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. 102.11(a)(2) – PCSM BMPs have been designed in accordance with the BMP Manual.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. 102.11(b) – Where PCSM BMPs have been designed with a deviation from the BMP Manual, they were found to be consistent with 25 Pa. Code § 102.11(b).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. 102.11(b) – Alternative PCSM BMPs are consistent with the Approved Alternative PCSM BMP List .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. 102.2(b) – There will be discharges directly to waters impaired for siltation, sediment, turbidity, water/flow variability, flow alterations/modifications, or nutrients.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. 102.2(b) – The applicant has proposed PCSM BMPs to treat such discharges consistent with a non-discharge alternative or ABACT.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. 102.8(f)(1) – Existing topography of project site and immediate surrounding area were adequately explained (E&S Module 1, Question 1).	<input type="checkbox"/>	<input type="checkbox"/>	
7. 102.8(f)(2) – The types, depth, slope, locations and limitations of the soils and geologic formations were accurately characterized (E&S Module 1, Question 2).	<input type="checkbox"/>	<input type="checkbox"/>	
8. 102.8(f)(3) – Characteristics of the project site were adequately explained in terms of past (i.e., at least 50 years ago), present and proposed land uses (E&S Module 1, Question 3).	<input type="checkbox"/>	<input type="checkbox"/>	
9. 102.8(f)(4) – An adequate description (may be qualitative) of the volume and rate of runoff from the project site and any area upgradient of the project site that flows onto the project site has been provided (PCSM Module 2).	<input type="checkbox"/>	<input type="checkbox"/>	
10. 102.8(f)(5) – The locations of surface waters and their classifications under Chapter 93 have been identified on PCSM Plan Drawing(s) and in the Application.	<input type="checkbox"/>	<input type="checkbox"/>	
11. 102.8(f)(6) – All PCSM BMPs have been identified in PCSM Module 2 (PCSM Module 2, PCSM Plan Information, Question 1) and located on PCSM Plan Drawing(s).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. 102.8(f)(6) – PCSM BMP design details were provided on PCSM Drawing(s) and specifications for permanent stabilization were included on PCSM or E&S Plan Drawing(s) (E&S Module 1, Question 15, for stabilization only).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. 102.8(f)(7) – A sequence of PCSM BMP implementation in relation to earth disturbance activities and a schedule of inspections for critical stages of BMP implementation were provided (PCSM Module 2, PCSM Plan Information, Question 2).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. 102.8(f)(8) – Supporting calculations for the design of PCSM BMPs were provided and are technically sound.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. 102.8(f)(10) – A long-term O&M schedule for PCSM BMPs including BMP repair and maintenance activities was provided (PCSM Module 2, Long-Term O&M) and is consistent with the Stormwater BMP Manual or is otherwise technically sound.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. 102.8(f)(11) – Procedures ensuring proper measures for recycling or disposal of materials associated with or from PCSM BMPs were provided (PCSM Plan Drawings or PCSM Module 2, Long-Term O&M).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. 102.8(f)(12) – The applicant identified naturally occurring geologic formations or soil conditions that may have the potential to cause pollution and prepared a plan to avoid or minimize potential pollution (PCSM Module 2, PCSM Plan Information, Question 6).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. 102.8(f)(13) – The applicant has identified potential thermal impacts from post-construction stormwater and has proposed BMPs that will avoid, minimize or mitigate potential impacts (PCSM Module 2, PCSM Plan Information, Question 7).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PCSM Technical Review Checklist (Continued)

TECHNICAL REVIEW ITEM	TRUE	FALSE	N/A
19. 102.8(f)(14) – The applicant has proposed a riparian forest buffer, a riparian forest buffer management plan is attached, and is generally consistent with § 102.14.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. 102.8(g) – A stormwater analysis was completed on a discharge point basis or on a watershed basis (i.e., all discharges to specific receiving waters analyzed collectively).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. 102.8(g)(1) – A pre-development site characterization and assessment of soil and geology was conducted and is within the recommendations of Appendix C of the Stormwater BMP Manual or are otherwise technically sound.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. 102.8(g)(2) – Calculations were provided to demonstrate the net change in volume up to the 2-year/24-hour storm event and the calculations are technically sound, or the PCSM Spreadsheet, Volume Worksheet was submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23. 102.8(g)(2) – A volume reduction standard contained in an approved and current Act 167 Plan was used, and the Application Manager has confirmed that 1) the Act 167 Plan was approved within the past five years, and 2) the standard from the Plan was applied appropriately.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24. 102.8(g)(2)(iv) – An alternative design standard has been proposed for managing the net change in volume and an adequate demonstration has been made that the alternative standard is at least as stringent as management of the net change up to the 2-year/24-hour storm.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25. 102.8(g)(2) – The PCSM Spreadsheet, Quality Worksheet was submitted, illustrating the net change in water quality (pollutant loading) up to the 2-year/24-hour storm event.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26. 102.8(g)(2)(i) – All existing non-forested pervious areas have been considered meadow in good condition or better (if exceptions at § 102.8(g)(2)(i) apply select "N/A") (PCSM Spreadsheet, Volume Worksheet or supporting calculations).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27. 102.8(g)(2)(ii) – 20% of existing impervious surfaces to be disturbed has been considered meadow in good condition or better (if exceptions at §§ 102.8(g)(2)(ii) or (iii) apply select "N/A") (PCSM Spreadsheet, Volume Worksheet or supporting calculations).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28. 102.8(g)(4) – The precipitation depth for the 2-year/24-hour storm event is based on NOAA Atlas 14 or other reputable sources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29. 102.8(g)(4) – Land covers and curve numbers have been appropriately determined to calculate pre- and post-construction runoff volumes and pollutant loadings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30. 102.8(g)(2) – Structural and non-structural BMPs were proposed that will eliminate or manage the net change in volume and pollutant loading up to the 2-year/24-hour storm event, and the calculations demonstrating this are technically sound or the PCSM Spreadsheet was used. ³	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31. 102.8(g)(2) – Structural and non-structural BMPs were proposed that meet the volume reduction and water quality requirements in an approved and current Act 167 Plan. ³	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32. 102.8(g)(2)(iv) – Structural and non-structural BMPs were proposed that will be at least as stringent as management of the net change for the 2-year/24-hour storm event. ³	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33. 102.8(g)(3) – Calculations were provided to demonstrate the net change in peak rates for the 2, 10, 50, and 100-year/24-hour storm events and the calculations are technically sound, or the PCSM Spreadsheet, Rate Worksheet was submitted. ⁴	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
34. 102.8(g)(3) – Rate requirements contained in an approved and current Act 167 Plan were used, and the Application Manager has confirmed that 1) the Act 167 Plan was approved within the past five years, and 2) the standard from the Plan was applied appropriately. ⁴	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
35. 102.8(g)(3)(iii) – An alternative design standard has been proposed for managing the net change in peak rates and an adequate demonstration has been made that the alternative standard is at least as stringent as management of the net change for the 2, 10, 50, and 100-year/24-hour storm events. ⁴	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
36. 102.8(g)(3) – Structural and non-structural BMPs were proposed that will eliminate or manage the net change in peak rates, and the calculations demonstrating this are technically sound or the PCSM Spreadsheet was used.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
37. 102.11(b) – Managed Release Concept (MRC) BMP(s) were proposed, MRC Design Summary Sheets were adequately completed, and MRC design standards have been met or alternative MRC design standards are considered technically sound.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PCSM Technical Review Checklist (Continued)

TECHNICAL REVIEW ITEM	TRUE	FALSE	N/A
38. 102.8(b)(8) – There are wetlands on the project site and adequate efforts have been made to ensure no significant changes to pre-construction hydrology that would affect the wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
39. 102.14(d)(1), 102.14(f)(2) & 102.14(f)(3) – If Riparian Buffer Module 4 is completed, the project qualifies for an exception or is an allowed or allowable activity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
40. Act 162 – If Riparian Buffer Module 4 is completed, the project proposes the use of a waiver, which is allowed only for E&S Permits.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
41. 102.14(b) – If Riparian Buffer Module 4 is completed, and a riparian forest buffer will be implemented, the riparian forest buffer meets the criteria in 25 Pa. Code § 102.14(b).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Footnotes:

- 1 An answer of FALSE to any the questions that are applicable may be considered a technical deficiency except #1. If #5.a is FALSE and #5 is TRUE, it is a deficiency. If all answers in the following groups are FALSE, it is a deficiency: #22/23/24, #30/31/32 and #33/34/35.
- 2 A technical review of the PCSM Plan is not required for renewal Applications or for amendment Applications where there is no new earth disturbance.
- 3 Question 30, 31 or 32 must be True.
- 4 Question 33, 34, or 35 must be True.

Application Manager’s Technical Review Comments:

PNDI Review:

- 102.6(a)(2) – PNDI search receipt contained no potential impacts and/or avoidance measures were signed by the applicant. ¹
- 102.6(a)(2) – PNDI clearance letter(s) from the appropriate agencies if 1) the PNDI receipt indicates “Potential Impact” or 2) the PNDI receipt indicates “Avoidance Measures” and the applicant has not signed the PNDI receipt indicating that the applicant will fulfill those Avoidance Measures were submitted. ¹

Footnotes:

- 1 Clearance applies to threatened and endangered species only (i.e., not species of special concern).

Site-Specific Special Conditions and Rationale:

Public Comments:

- Notice of the receipt of the application and a tentative decision to issue a permit was published in *Pennsylvania Bulletin* on: _____
30-day public comment end date: _____
- Notice of the receipt of the application and a tentative decision to deny the application was published in *Pennsylvania Bulletin* on: _____
30-day public comment end date: _____
- Comments were received from the applicant during the comment period and are addressed in the final permit cover letter or application denial letter.
- Public comments were received during the comment period and were considered in making a final decision on the application.
- A public hearing was held due to significant interest. Date of hearing: _____
- A comment-response document has been developed to address comments/testimony received from the public.
- No public comments were received during the review of the application.

SOP – Review of E&S Permit Applications
Revised, August 16, 2020

Version History

Date	Version	Revision Reason
8/16/2021	1.1	Updates made to E&S Fact Sheet in Attachment B to remove unnecessary questions regarding Act 162.
8/11/2020	1.0	Original