

Standard Operating Procedure (SOP)¹
Review of Erosion and Sediment Control General Permit (ESCGP) NOIs
SOP No. BCW-PMT-045
Final, October 19, 2020
Version 1.0

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 Notices of Intent (NOIs) for Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities (ESCGP). The eFACTS authorization type covered by this SOP is “ESG3” and the application types covered by this SOP include “NEW”, “AMEN” (modification) and “REN” (renewal).

NOTE 1 – The term “Modification” in this SOP is synonymous with the term “Amendment” as used for NPDES permits.

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. ESCGPs **ARE** part of the PDG, with a PDG timeframe of 43 business days.

It is anticipated that CCDs will be the permitting authority for most ESCGP authorizations. However, DEP will also receive and review ESCGP NOIs, particularly for projects in counties without a delegated CCD. The term, “DEP/CCD” is used in this SOP to represent the applicable permitting authority.

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 ESCGP coverage with other permits.

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

Applicants are encouraged to request a Pre-Application Meeting with DEP/CCD. A Pre-Application Meeting is important not only for the applicant to explain the project to DEP/CCD, but also for DEP/CCD to verify eligibility, minimizing the likelihood of a DEP/CCD finding of ineligibility.

- A. If an applicant would like 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 the permitting authority and believes that there will be unique or challenging circumstances for the NOI review, the CCD will invite appropriate DEP staff.

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.

SOP – Review of ESCGP NOIs
Final, October 19, 2020

- 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/CCD (i.e., the lead reviewer of the NOI when it is submitted) for the NOI should be identified to the applicant.

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

Upon receipt of an ESCGP NOI, 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 NOI:

- A. DEP/CCD administrative staff will date stamp the NOI (and all other accompanying information) with the date received and record the date received in the "Official Use Only" box on the first page of the NOI.
- B. DEP/CCD administrative staff will assign an ESCGP Permit Identification (ID) Number in accordance with Section 6 of the E&S and NPDES Administrative Manual (Permit Numbering) and record the ID number in the "Official Use Only" box on the first page of the NOI.
- C. Process Fees.
 - 1. If the appropriate Base Administrative Filing Fee (\$500) for ESCGP coverage 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 ESCGP coverage 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 2 – Fees should not be held until after the Completeness Review has been performed.

NOTE 3 – 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 Disturbed Area reported on page 4 of the NOI by \$100, where Total Disturbed Area is rounded to the nearest whole number (e.g., for a Total Disturbed Area of 2.5 acres, a Disturbed Acreage Fee of \$300 must be submitted).

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](#).

SOP – Review of ESCGP NOIs
Final, October 19, 2020

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

NOTE 4 – CCDs may forward the checks to the DEP regional office as they are received or may bundle them and forward all checks at least once per week.

NOTE 5 – The ESCGP’s NOI Administrative Completeness Checklist does not require that a copy of the NOI be sent to the appropriate DEP regional office if the CCD will be the permitting authority. Therefore, CCDs will be expected to mail a copy of the NOI to DEP with the Disturbed Acreage Fee.

- 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, DEP will coordinate with the CCD to ensure fee submission, where applicable (e.g., multiple county projects).
 - 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.
 4. After the proper fees have been received, the DEP/CCD administrative staff will record the amount paid, the check numbers, and the check dates in the appropriate boxes in the “Official Use Only” box on the first page of the NOI.

NOTE 6 – Only the Base Administrative Filing Fee and the Disturbed Acreage Fee checks/information will be recorded in the “Official Use Only” box.

NOTE 7 – Fees (including CCD-specific fees) must be resolved prior to considering an NOI for completeness (Section III).

D. Preliminary Data Management.

1. If a CCD is the permitting authority, CCD administrative staff will record basic information on the NOI 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, ESCGP ID No., municipality, fees collected and date the NOI was received.
2. If DEP is the permitting authority, DEP administrative staff will record the receipt of the NOI in eFACTS; 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. On the eFACTS Application screen, create a new authorization record by entering a new APS (Project) name, Program ID (i.e., ESCGP ID No.), and date the NOI was received

SOP – Review of ESCGP NOIs
Final, October 19, 2020

(“Recvd”), and by selecting the client, site, authorization type (“ESG3”), application type, and lead reviewer (if known at this stage, otherwise select the Permits Chief).

- c. Select the Master Auth ID (for renewals and modifications) or create the Master Auth (for new NOIs), as appropriate.
- d. 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.
- e. Enter consultant information. If a consultant is identified on the NOI, select the appropriate client or otherwise create the consultant as a client on the Application Screen.
- f. The DEP administrative staff will record the Authorization ID, Site ID, Client ID, and APS in the appropriate lines in the “Official Use Only” box on the first page of the NOI.

NOTE 8 – If the CCD the permitting agency or the NOI is not otherwise entered in eFACTS, the Authorization ID, Site ID, Client ID and APS will not be entered into the “Official Use Only” box.

- E. DEP/CCD administrative staff will provide the NOI to the CCD manager (or assistant manager or supervisor as designated by the manager) (where a CCD is the permitting authority) or the DEP Permits Chief (where DEP is the permitting authority). The CCD manager or DEP Permits Chief will:

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

NOTE 9 – 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.

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.
3. Assign an Application Manager to the NOI, unless this has been done previously, and provide the NOI to the Application Manager.

III. Completeness Review (Application Manager)

When the Application Manager receives the NOI 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 NOI for eligibility, administrative completeness and overall technical adequacy, as follows.

- A. Completeness Review by NOI Type.

1. **New NOIs** – The Application Manager will document the completeness review of new NOIs using the ESCGP Fact Sheet template (see **Attachment B**), which serves as the record of decision on the NOI. The Application Manager and CCD Manager or DEP Permits Chief will sign the Fact Sheet. A complete and technically adequate ESCGP NOI for a new project is characterized by a response of “TRUE” or “N/A” for all items in the NOI Completeness Review Checklist of the ESCGP Fact Sheet, not including fees addressed in Section II.C.

SOP – Review of ESCGP NOIs
Final, October 19, 2020

2. **Renewal NOIs** – A complete and technically adequate ESCGP NOI for an existing permittee seeking renewal of ESCGP coverage must include only a complete ESCGP (8000-PM-OOG0006), a new Administrative Filing Fee (\$500), and the Disturbed Acreage Fee (\$100/acre) for any remaining earth disturbance to be covered in the renewal. If any changes to the E&S and/or PCSM Plans are proposed, the applicant must check the box on the ESCGP NOI for a Major or Minor Modification. If the timing of the modification coincides with the timing of a renewal NOI, both the Renewal and Major or Minor Modification boxes should be checked. The ESCGP Fact Sheet (Attachment B) is optional for renewal NOIs.

NOTE 10 – Along with the NOI for a renewal, it is recommended that the permittee include correspondence indicating that 1) no changes to 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.

3. **Modification NOIs** – The contents of a complete and technically adequate ESCGP NOI for an existing permittee seeking a Major or Minor Modification must include 1) a complete NOI (8000-PM-OOG0006) 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](#). The ESCGP Fact Sheet (Attachment B) is optional for modification NOIs.

NOTE 11 – The Compliance History section of the NOI 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.

B. Determination – NOI is Complete.

If none of the criteria in the ESCGP Fact Sheet (NOI 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. Where a CCD is the permitting authority, the CCD will update a record of the NOI in an electronic system to include the date the NOI was determined to be complete.
2. Where DEP is the permitting authority, the Application Manager will update eFACTS as follows:
 - a. Close out the “COMPL” task and subtask using a Begin Date of when the NOI was received and the End Date as the date the NOI was deemed to be complete.
 - b. Enter the Begin Date of the Technical Review Standard Task as the date the NOI was deemed to be complete.
 - c. Enter the Begin Date of the “DR” and “ER” subtasks as the date the NOI was deemed to be complete and the Due Date as the end of the 15-day completeness review period.

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

C. Determination – NOI Contains Minor Deficiencies.

SOP – Review of ESCGP NOIs
Final, October 19, 2020

1. If the NOI contains deficiencies that are determined to be minor (i.e., an item that in the Application Manager’s judgment can be corrected within two (2) business days), the Application Manager will not consider the NOI 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 NOI 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 12 – 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 permitting authority, the CCD will update a record of the NOI in an electronic system to include the date of the contact with either the applicant or their consultant.
 - b. Where DEP is the permitting authority, the 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 **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 NOI review. All phone logs will be retained with the application file during and following final action on the NOI, 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 NOI 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 – NOI is Incomplete.

1. If the NOI is incomplete or if the applicant does not respond to or correct minor deficiencies, the Application Manager will officially deem the NOI 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 13 – Only one (1) incompleteness letter will be sent by the Application Manager.

- a. If an NOI is determined to be incomplete, the PDG is void.
- b. The incompleteness letter will cite the statutory or regulatory requirement(s) that were not met.
- c. Where a CCD is the permitting authority, the CCD will update a record of the NOI in an electronic system to include the date the incompleteness letter is transmitted.

SOP – Review of ESCGP NOIs
Final, October 19, 2020

- d. Where DEP is the permitting authority, the Application Manager will update eFACTS as follows:
 - i. Enter the “COMPL” task and subtask using a Begin Date of when the NOI 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.
- e. 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 NOI to be withdrawn by the applicant (per 25 Pa. Code § 102.6(c)(2)).
- f. 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 decide whether to grant the extension. The Application Manager will prepare and send the **Extension Request Letter**, which will be signed by the CCD Manager or 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 30 calendar days.

NOTE 14 – 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 NOI.

- i. Where a CCD is the permitting authority, the CCD will update a record of the NOI 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. Where DEP is the permitting authority, 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 NOI complete and follow the steps in Section III.B, above.
 3. If no submission is received by the end of the deficiency correction period, or if the applicant voluntarily elects to withdraw the NOI 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.
 - a. The CCD Manager or DEP Program Manager/Permits Chief will sign the ESCGP Fact Sheet.

SOP – Review of ESCGP NOIs
Final, October 19, 2020

- b. Where a CCD is the permitting authority, the CCD will update a record of the NOI in an electronic system to include the date the withdrawal letter is transmitted.
- c. Where DEP is the permitting authority, DEP 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 NOI 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 15 – If an NOI is withdrawn, no *Pennsylvania Bulletin* notice is required.

NOTE 16 – If an NOI is withdrawn, the Base Administrative Filing Fee (\$500) and Disturbed Acreage Fee will not be refunded. A new Base Administrative Filing Fee (\$500) and Disturbed Acreage Fee must however be paid for a new NOI.

- 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 for Incomplete NOI Letter*** (denial letter) after the end of the deficiency correction period, which will be signed by the CCD Manager or DEP Program Manager.

NOTE 17 – The permitting authority is under no obligation to identify to the applicant if their response submission does not make their NOI 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 ESCGP Fact Sheet.
- b. Where a CCD is the permitting authority, the CCD will update a record of the NOI in an electronic system to include the date the denial letter is transmitted and send a *Pennsylvania Bulletin* notice of the denial to the DEP regional office.
- c. Where DEP is the permitting authority, DEP administrative staff or the Application Manager 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 for incomplete NOI letter.
 - ii. Enter a “DENC” subtask, with Begin, Due and End Dates as the date of the denial for incomplete NOI 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 NOI package and denial letter in its official files for a period no less than 90 days.

NOTE 18 – If an NOI 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.

SOP – Review of ESCGP NOIs
Final, October 19, 2020

NOTE 19 – If an application is denied, the Base Administrative Filing Fee (\$500) and Disturbed Acreage Fee will not be refunded. Both fees must be included in any resubmission, even for the exact same project.

IV. Technical Review (Application Manager)

NOIs 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 NOI has been deemed complete (Section III.B), the Application Manager will conduct the First Technical Review in accordance with Section IV.A below. Technical Review of ESCGP NOIs will be documented on the Fact Sheet.

A. First Technical Review.

The review period objective for the First Technical Review is 18 business days.

1. **New NOIs**

- a. Erosion and Sediment Control (E&S) Plan Technical Review – Application Managers will conduct a technical review of all E&S Plans for new NOIs 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 ESCGP Fact Sheet and the completed checklist will be attached to the ESCGP Fact Sheet.
- b. Post-Construction Stormwater Management (PCSM) Plan Technical Review (Delegated CCD or DEP) – Where DEP is the permitting authority and where a CCD is the permitting authority and is delegated to conduct technical reviews of PCSM Plans, the Application Manager will conduct a technical review of the PCSM Plan using the PCSM Plan Technical Review Checklist in the ESCGP Fact Sheet.

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

2. **Renewal NOIs** – 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. **Modification NOIs** – 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. Where a CCD is the permitting authority, the CCD will update a record of the NOI in an electronic system to include the date when the technical review was completed.
2. Where DEP is the permitting authority, the 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 Application Manager’s judgment can be corrected within two (2)

SOP – Review of ESCGP NOIs
Final, October 19, 2020

business days), the Application Manager will contact the applicant (or the applicant's authorized representative) by phone to explain the technical deficiency and offer the opportunity to submit the necessary materials informally by the end of the second business day. 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 20 – 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 permitting authority, the CCD will update a record of the review in an electronic system to include the date of the contact with either the applicant or their consultant.
 - b. Where DEP is the permitting authority, the 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 NOI, 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 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 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 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 that are not determined to be minor or if the applicant does not respond to or correct minor technical deficiencies, the Application Manager will prepare and send a **Technical Deficiency Letter**, which will be signed by the CCD Manager or DEP Program Manager/Permits Chief.

NOTE 21 – Only one (1) technical deficiency letter will be sent by the Application Manager.

- a. If an NOI is determined to have technical deficiencies, the PDG will be void, if not otherwise previously voided.
- b. The technical deficiency letter will cite the statutory or regulatory requirement(s) that were not met.
- c. Where a CCD is the permitting authority, the CCD will update a record of the NOI in an electronic system to include the date the technical deficiency letter is transmitted.

SOP – Review of ESCGP NOIs
Final, October 19, 2020

- d. Where DEP is the permitting authority, the 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 NOI enters the Elevated Review.
- e. 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 Step IV.D.4, below.
- f. The applicant may request, in writing, to extend the time to respond beyond 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 Application Manager will coordinate with the DEP Permits Chief or Program Manager to decide whether to grant the extension. The Application Manager will prepare and send the **Extension Request Letter**, which will be signed by the CCD Manager or 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 22 – In order for the extension request to be considered, the justification must relate to the technical deficiencies identified and not related to 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 NOI.

- i. Where a CCD is the permitting authority, update a record of the NOI 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. Where DEP is the permitting authority, 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 the Application Manager will follow the steps in Section IV.B, above.
 - 3. If the applicant voluntarily elects to withdraw the NOI in writing, the Application Manager will prepare and send the **Voluntary Withdrawal Letter** (self-withdrawal letter), which will be signed by the CCD Manager or DEP Program Manager/Permits Chief.
 - a. Where a CCD is the permitting authority, the CCD will update a record of the NOI in an electronic system to include the date the withdrawal letter is transmitted.
 - b. Where DEP is the permitting authority, DEP 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.

SOP – Review of ESCGP NOIs
Final, October 19, 2020

- c. DEP/CCD will retain one copy of the NOI package and the withdrawal letter in its official files for a period no less than 90 days.

NOTE 23 – If an NOI is withdrawn, no *Pennsylvania Bulletin* notice is required.

NOTE 24 – If an NOI is withdrawn, the Base Administrative Filing Fee (\$500) and Disturbed Acreage Fee will not be refunded. A new Base Administrative Filing Fee (\$500) and Disturbed Acreage Fee must however be paid for a new NOI.

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 NOI.

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 10 business days.

1. If DEP is the permitting authority, the 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 10 business days from the receipt of the response submission. The End Date will be when the second technical review has been completed.
2. The 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 Application Manager or DEP/CCD administrative staff 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 Application Manager’s judgment can be corrected within two business days), the Application Manager will follow the steps in Section IV.C, above.
5. If the revised E&S and/or PCSM Plans contain technical deficiencies or if the applicant does not respond to or correct the minor technical deficiencies, the Application Manager will proceed to Section V.

If DEP is the permitting authority, the Application Manager will enter the “ELEV” subtask in eFACTS. The Begin Date will be the date of when the 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 NOI.

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

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 NOI. The Elevated Review Process will be as follows:

SOP – Review of ESCGP NOIs
Final, October 19, 2020

- A. The Application Manager will coordinate with the DEP Program Manager by preparing and transmitting the **Notice of Elevated Review Memo**. The notice of elevated review memo will identify and continued or new technical deficiencies and will cite the statutory or regulatory requirement(s) that were not met.
- B. Where a CCD is the permitting authority, the CCD will update a record of the NOI in an electronic system to include the date when the notice of elevated review memo was sent to DEP.
- C. 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 Application Manager will proceed to Section VI.
 - 2. If a meeting will be held, the Application Manager will proceed to Section V.D.
 - 3. If a notification of elevated review letter will be sent without scheduling a meeting, the Application Manager will proceed to Section V.E.
- D. If a meeting will be held, the Application Manager will schedule the Elevated Review with the applicant and then send a **Notice of Elevated Review Meeting Letter**, signed by the CCD Manager or 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 Application Manager, the CCD Manager (if the CCD is the permitting authority), 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 NOI. Once the decision is communicated to the Application Manager, the Application Manager will proceed to Section VI or otherwise conduct additional steps at the direction of DEP's Program Manager.
- E. If a notification of elevated review letter will be sent, it will be signed by the CCD Manager or DEP Program Manager/Permits Chief.
 - 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 Application Manager will proceed to Section VI. If the applicant responds within 10 business days, the Application Manager will consult with the DEP Program Manager and Permits Chief on the response and proceed to Section VI.

SOP – Review of ESCGP NOIs
Final, October 19, 2020

- F. If a submission is received and all technical deficiencies have been corrected, the Application Manager will proceed to Section VI.

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

A. Decision – Approve Coverage.

1. The Application Manager will prepare the **ESCGP Authorization Letter** and page 1 of the ESCGP. Both of these documents, along with the ESCGP Fact Sheet, will be signed by the DEP/CCD Manager. The Application Manager will stamp the approved E&S Plan (drawings and narrative (or E&S Module 1)) (the date on the stamp will be the Effective Date of Coverage). The Application Manager or DEP/CCD administrative staff will transmit permit documentation as follows:
 - a. Permittee (if there is more than one permittee, each permittee will receive the information):
 - Original, signed ESCGP Authorization Letter;
 - Original, signed page 1 and the complete Erosion and Sediment Control General Permit (the Effective Date of Coverage will be the date of the ESCGP Authorization Letter);
 - One (1) set of the stamped approved E&S Plan Drawing(s) and narrative (or E&S Module 1);
 - One (1) set of the approved PCSM Plan Drawing(s) and narrative (or PCSM Module 2);
 - 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 ESCGP Authorization Letter and copy of page 1 of the ESCGP.
 - c. DEP Regional Office: Copy of the approved NOI, copy of the ESCGP Authorization Letter, and copy of page 1 of the ESCGP (may be submitted electronically). In addition, the weekly permit activity report should be transmitted either with each permit or on a weekly basis.
 - d. DEP Bureau of Clean Water (via RA-102PermitForms@pa.gov): electronic copies of the approved NOI, the ESCGP Authorization Letter, page 1 of the ESCGP, and PCSM Module 2 (if PCSM Module 2 is not submitted, then the BMP information contained within the PCSM Module 2).
2. If a CCD is the permitting authority, CCD administrative staff will:
 - a. Record the coverage approval date, effective date and expiration date into an electronic data system within 5 business days of the final action.
 - b. Prepare and transmit a notice of the approval for publication in the *Pennsylvania Bulletin* to DEP administrative staff within 5 business days of the final action.

SOP – Review of ESCGP NOIs
Final, October 19, 2020

3. If DEP is the permitting authority, DEP administrative staff will:
 - a. Close all tasks and subtasks in eFACTS using End Dates corresponding to the date of the final decision to approve coverage.
 - b. Dispose the authorization in eFACTS by entering the approval of coverage date in the “Date Disposed” and “Effective” fields and the expiration date of coverage in the “Expires” field, and selecting “ISSUE” for the disposition.
 - c. Prepare notice of the approval for publication in the *Pennsylvania Bulletin*.
 4. The NOI file (including all supporting documentation such as the ESCGP Fact Sheet) will be retained at the permitting authority’s office in accordance with DEP’s record retention schedule for Chapter 102 permits.
- B. Decision – Deny Coverage.
1. The Application Manager will ensure that the ESCGP Fact Sheet is fully signed.
 2. The Application Manager will prepare the **Denial of NOI 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.
 3. Where a CCD is the permitting authority, the CCD will update a record of the NOI in an electronic system to include the date the denial letter is transmitted and send a *Pennsylvania Bulletin* notice of the denial to the DEP regional office.
 4. Where DEP is the permitting authority, DEP administrative staff or Application Manager 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 NOI package and denial letter in its official files for a period no less than 90 days.

NOTE 25 – If an NOI 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 26 – If an application is denied, the Base Administrative Filing Fee (\$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
ESCGP FACT SHEET

**ESCGP
FACT SHEET**

The checklists contained in this fact sheet are intended to provide guidance to staff reviewing the NOI 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
NOI Type: <u> (New / Renewal / Modification) </u>	
Project Description: _____	

NOI Completeness Review Checklist

COMPLETENESS ITEM	TRUE	FALSE	N/A
1. 102.6(a)(1) – One original and two copies of the complete NOI form (8000-PM-OOG0006) were submitted and were completed as instructed in the ESCGP NOI Instructions.	<input type="checkbox"/>	<input type="checkbox"/>	
2. 102.6(a)(1) – One copy of the NOI Administrative Completeness Checklist (8000-PM-OOG0006) was submitted and complete.	<input type="checkbox"/>	<input type="checkbox"/>	
3. 102.6(a)(1) – Three copies of county and municipal notifications (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 can be utilized).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. 102.6(a)(2) – Three 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) – Three copies of the E&S Plan Narrative (or one original and two copies of the complete E&S Module 1 (3800-PM-BCW0406a)) were submitted and were completed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. 102.4(b)(5)(ix) – Details were provided for all E&S BMPs.	<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"/>
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"/>

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

NOI Completeness Review Checklist (Continued)

COMPLETENESS ITEM	TRUE	FALSE	N/A
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) – Three copies of the PCSM Plan Narrative (or one original and two copies of the complete PCSM Module 2 (3800-PM-BCW0406b)) were submitted and were completed.	<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"/>

NOI Completeness Review Checklist (Continued)

COMPLETENESS ITEM	TRUE	FALSE	N/A
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"/>
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"/>	<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"/>	
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"/>

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.
- 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 to waters impaired for siltation, sediment, turbidity, water/flow variability, flow alterations/modifications, or nutrients with or without a TMDL (including Chesapeake Bay).	<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 NOIs or for modification NOIs 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 or otherwise has elected not to complete this checklist. ³	<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 to waters impaired for siltation, sediment, turbidity, water/flow variability, flow alterations/modifications, or nutrients with or without a TMDL (including the Chesapeake Bay).	<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.	<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.	<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.	<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.	<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 ESCGP NOI.	<input type="checkbox"/>	<input type="checkbox"/>	
11. 102.8(f)(6) – All PCSM BMPs have been identified 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).	<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.	<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 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.	<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.	<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.	<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. ⁴	<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. ⁴	<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. ⁴	<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. ⁵	<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 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. ⁵	<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. ⁵	<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"/>
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"/>

Footnotes:

- 1 An answer of FALSE to any of the following may be considered a technical deficiency: 2 and 3 (both), 4, 5.a (if 5 is TRUE), 6 – 18, 20, 21, 22 and 23 and 24 (all three), 25, 26, 29, 30 and 31 and 32 (all three), 33 and 34 and 35 (all three), 36, 37, and 38. If the project qualifies for site restoration then Questions 20 – 37 may be skipped.
- 2 A technical review of the PCSM Plan is not required for renewal NOIs or for modification NOIs where there is no new earth disturbance.
- 3 If Question 1 is TRUE, the PCSM Technical Review Checklist will not be completed.
- 4 Question 30, 31 or 32 must be True.
- 5 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).

Public Comments:

- Public comments were received and considered during the review of the NOI.
- No public comments were received during the review of the NOI.

SOP – Review of ESCGP NOIs
Final, October 19, 2020

Version History

Date	Version	Revision Reason
10/19/2020	1.0	Original