

**Standard Operating Procedure (SOP)<sup>1</sup>**  
**Review of Individual NPDES Permit Applications**  
**Stormwater Discharges Associated with Construction Activities**  
**Pilot Program**  
**SOP No. BCW-PMT-043a**  
**Final, April 8, 2024**  
**Version 1.0**

This SOP describes the procedures by which the Department of Environmental Protection (DEP) and select delegated county conservation districts (CCDs) will process applications for Individual NPDES Permits for Discharges of Stormwater Associated with Construction Activities as part of a Pilot Program that will evaluate the effect of modified business processes on the quality of applications received and review times. The eFACTS authorization type covered by this SOP is “NSC” and the application type covered by this SOP is “NEW”.

Participation in the Pilot Program is only available to eligible projects in select counties; a list of participating counties is provided on [DEP's website](#).

An abbreviated flow chart identifying the significant administrative procedures involved in processing Individual NPDES Permit applications in the Pilot Program is presented in [Figure 1](#). The term “Application Manager” in this SOP refers to the CCD Application Manager when the CCD is delegated for post-construction stormwater management (PCSM) and to the DEP Application Manager when the CCD is not PCSM-delegated.

## **I. Pre-Application Meetings**

### **A. Informal Pre-Application Meeting.**

The informal pre-application meeting may not be waived. CCD-specific pre-application meeting fees must be paid to the CCD prior to or at the informal pre-application meeting, if applicable.

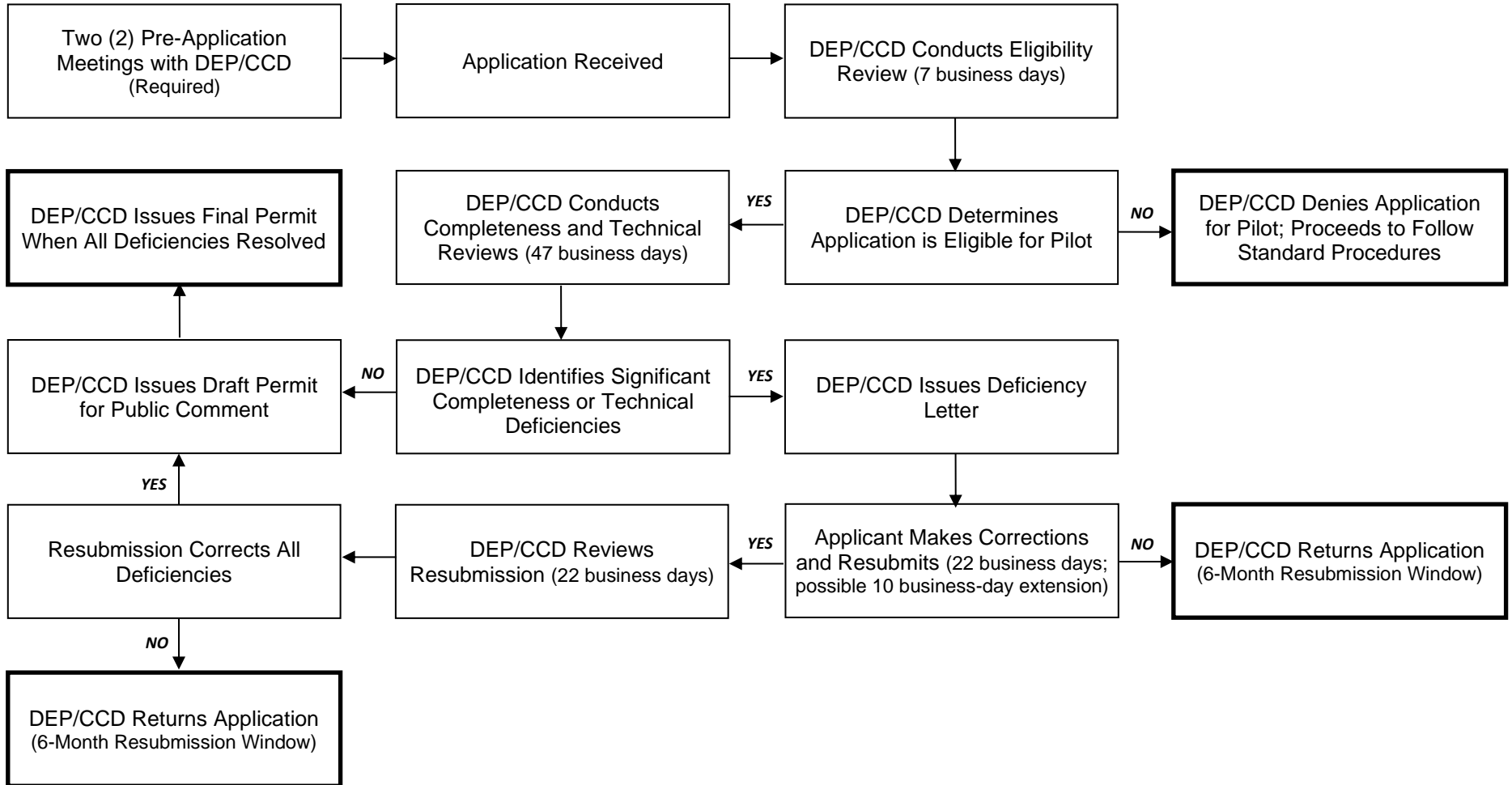
1. Applicants that are interested in participating in the Pilot Program must submit a complete [Chapter 102 Pre-Application Meeting Request Form](#) (DEP Document No. 3800-FM-BCW271e) to the CCD office that will be the initial recipient of the application. The box for the Pilot Program should be checked by the applicant to indicate their interest in the program.
2. Upon receipt of a Chapter 102 Pre-Application Meeting Request Form, CCD staff will schedule an in-person or virtual meeting with the applicant, at staff's discretion. The applicant and the licensed professional who will prepare or has prepared the PCSM Plan must attend the informal pre-application meeting, at a minimum. CCDs may invite DEP to the informal pre-application meeting. DEP will make every effort to attend the informal pre-application meeting if the project is considered complex (e.g., contaminated sites), but otherwise DEP's attendance is optional.

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<sup>1</sup> **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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**Figure 1: Overview of Individual NPDES Permit Pilot Program Administrative Process**



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3. CCD staff will discuss eligibility for the program (see [paragraph II.D](#), below), the review process, and expectations for the formal pre-application meeting. The applicant should come prepared to discuss an overview of the project and the status of site design, the application, and required plans.
4. CCD staff will provide a copy of the Individual NPDES Permit Pilot Program Checklist to the applicant (see [Attachment A](#)), as necessary, and explain that the applicant is expected to have all items substantially completed by the time the formal pre-application meeting takes place. CCD staff will make particular note of checklist requirements that differ from the standard process (e.g., documentation that licensed professional who participated in pre-application meetings will conduct oversight of critical stages of PCSM Plan implementation).
5. Meeting notes should be kept by CCD staff and a copy should be provided to DEP regional office staff, if DEP was not in attendance, within 5 business days of the informal meeting.
6. For contaminated sites, coordination between the applicant, CCD, DEP Waterways and Wetlands Program, DEP Regional Permit Coordination Office, and DEP Environmental Cleanup and Brownfields Program (as applicable) on soil sampling and investigations related to the fate and transport of pollutants must be completed prior to the formal pre-application meeting. Based on the results of these activities, DEP will provide written guidance to the CCD. If these activities are not completed prior to the formal pre-application meeting, DEP/CCD may decide not to accept the application into the Pilot Program.
7. If the project requires authorizations from multiple DEP Programs (including, but not limited to, Air Quality, Sewage planning, Chapter 105, other Clean Water Permits, etc.), CCD staff will encourage the applicant to visit DEP's website to request a DEP Permit Application Consultation Tool (PACT) meeting prior to scheduling the formal pre-application meeting.
8. The CCD may provide DEP's *Pre-Development Site Characterization Spreadsheet* to the applicant's licensed professional and request that it be used to guide the sufficiency of sitewide infiltration testing and the appropriateness of Managed Release Concept (MRC) stormwater control measures (SCMs), at the CCD's discretion.

**B. Formal Pre-Application Meeting.**

The formal pre-application meeting may not be waived. CCD-specific pre-application meeting fees must be paid to the CCD prior to or at the formal pre-application meeting, if applicable. The formal pre-application meeting should occur within two (2) months of the informal pre-application meeting wherever possible.

1. CCD staff will schedule an in-person or virtual formal pre-application meeting when notified by the applicant that they are prepared to hold the meeting. It is expected that the applicant will bring a final draft version of the complete application and all attachments (e.g., plans, modules, calculations, etc.) to the formal pre-application meeting.
2. At a minimum, the applicant and the licensed professional that prepared the PCSM Plan must attend the formal pre-application meeting. At least one DEP representative will attend the formal pre-application meeting.
3. The recommended agenda within the [Chapter 102 Pilot Pre-Application Meeting Record Form](#) should be followed. DEP/CCD staff will take general notes of the discussion and record the notes on the Chapter 102 Pre-Application Meeting Record Form or equivalent. At the conclusion of the Pre-Application Meeting, CCD staff will provide (in person or by email) a copy of this form to the applicant and consultant(s) to ensure understanding by all parties. CCD staff

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will also email a copy of the [Chapter 102 Pilot Pre-Application Meeting Record Form](#) to DEP's Bureau of Clean Water at [RA-EPCHAPTER102@pa.gov](mailto:RA-EPCHAPTER102@pa.gov).

4. DEP/CCD staff will conduct a cursory review of the final draft materials to ensure there are no glaring omissions. DEP/CCD staff will, upon conclusion of the formal pre-application meeting, offer an opinion on whether the application would or would not be eligible for participation in the Pilot Program, as a preliminary determination, subject to confirmation when the application is received. This preliminary determination should be documented on the Chapter 102 Pilot Pre-Application Meeting Record Form.
- C. The application must be submitted within 22 business days of the date of the formal pre-application meeting or another formal pre-application meeting must be held except when DEP/CCD jointly agree that holding another formal pre-application meeting is unnecessary.

## **II. Preliminary Processing and Eligibility Verification**

Upon receipt of an Individual NPDES Permit application for the Pilot Program, CCD administrative staff and/or management will implement the following steps as soon as possible but no longer than seven (7) business days following receipt of the application.

- A. CCD 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 if the application is received on paper. If received electronically this step may be skipped.
- B. CCD staff will assign an NPDES Permit Identification (ID) Number in accordance with DEP guidance for Chapter 102 Permit Numbering and record the Permit ID number in the "DEP/CCD Use Only" box on the first page of the application (if the application is received on paper) and/or in the CCD's electronic data system.
- C. Process Fees.
  1. If the appropriate Base Administrative Filing Fee (\$1,500) for an Individual NPDES Permit application was submitted, CCD staff will process and deposit the fee (including any CCD-specific fees) 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 Individual NPDES Permit was not submitted, CCD administrative staff will follow the procedures for over- or under-payment of fees identified in the [DEP Management Directive OAM-1000-001](#) and use the ***Pilot Decision Memo (38)*** to notify the applicant, via email, that the application will no longer be part of the Pilot Program and will be reviewed under standard procedures.

**NOTE 1** – Fees should not be held until after the application has been reviewed.

**NOTE 2** – The following federal and state agencies and commissions are exempt from Chapter 102 fees and may not participate in the Pilot Program: 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. 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

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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).

**NOTE 3** – Under the governor’s [Payback initiative](#), DEP/CCD have 117 business days to take final action on new Individual NPDES Permits, otherwise the Disturbed Acreage Fee must be refunded when requested. This applies only to applications that are submitted to CCDs without PCSM delegation. Final action taken under the Pilot Program is designed to occur prior to 117 business days.

- 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 4** – 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 use the **Pilot Decision Memo (38)** to notify the applicant, via email, that the application will no longer be part of the Pilot Program and will be reviewed under standard procedures.
3. CCD administrative staff will determine whether the appropriate CCD-specific fees have been submitted. 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 use the **Pilot Decision Memo (38)** to notify the applicant, via email, that the application will no longer be part of the Pilot Program and will be reviewed under standard procedures.

**NOTE 5** – Fees (including CCD-specific fees) must be correct prior to considering an application for eligibility.

**D. Eligibility Review.**

1. CCD staff will verify the application is eligible for the Pilot Program. These eligibility requirements will be discussed with the applicant during the informal pre-application meeting. An application is not eligible if one or more of the following are true:
  - a. The application is for the renewal or transfer of or amendment to an existing Individual NPDES Permit.
  - b. The applicant is a state or federal agency that is fee exempt.
  - c. The applicant proposes: 1) Managed Release Concept (MRC) stormwater control measures (SCMs) unless all DEP-established design standards are met; 2) gravity wells (i.e., stormwater injection wells); 3) alternative BMPs or SCMs that are not identified on DEP’s approved list; or 4) alternative design standards for the stormwater analysis.
  - d. Earth disturbance associated with oil and gas activities that will require review by DEP’s Oil & Gas Program.
  - e. The project is proposing to disturb more than 50 acres of earth and/or create more than 10 acres of new impervious surface in a single phase.

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**NOTE 6** – If the project is a larger common plan of development that will involve more than 50 acres of earth disturbance and/or 10 acres of new impervious, the application for the project could be eligible for the Pilot Program if the first phase of the project is under these thresholds and major amendments will be used to cover future phases.

- f. The applicant or operator has been subject to a formal enforcement action (e.g., Consent Assessment of Civil Penalties, Consent Order and Agreement) or has been assessed a civil penalty by DEP/CCD within the last 5 years.

**NOTE 7** – A Notice of Violation (NOV) is considered an informal enforcement action.

- g. Applications that may be expected to have significant public interest in which a public hearing is likely to be held.
  - h. The applicant has already submitted an application into the Pilot Program during the calendar quarter or the CCD has already received more than three Pilot applications during the quarter (unless the CCD agrees to accept more).
2. The CCD will consult with the DEP regional office prior to making a final decision on eligibility for the Pilot Program. The agencies will use discretion in considering other factors that may affect eligibility, such as resource constraints. When both agencies agree on the eligibility determination, the CCD will notify the applicant of the decision, via email, using the **Pilot Decision Memo (38)**. The DEP regional office and [RA-EPCHAPTER102@pa.gov](mailto:RA-EPCHAPTER102@pa.gov) will be copied.
    - a. If the decision is the application is not eligible, the CCD will notify the applicant that the application will be reviewed under the standard review process (i.e., the application will not be returned but will enter the Completeness Review under the standard process). If an expedited review fee was paid by the applicant, the fee may be returned in accordance with CCD policy.
    - b. If the decision is the application is eligible, CCD staff will proceed to Step II.E.

**E. Preliminary Data Management.**

1. CCD 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, NPDES Permit ID No., municipality, fees collected, date the application was received, and the status of the application as being admitted to the Pilot Program.
2. The DEP Application Manager or administrative staff will record the receipt of the application in eFACTS when DEP has received the application; 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 Common Plan of Development or Sale 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.

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- c. On the eFACTS Application screen, create a new authorization record by entering a new APS (Project) name, Program ID (i.e., NPDES Permit ID No.), and date the application was received by DEP (“Recvd”), and by selecting the client, site, authorization type (“NSC”), application type, and lead reviewer (if known at this stage, otherwise select the Permits Chief).

**NOTE 8** – For this Pilot, the Date Received that is entered into eFACTS by DEP must be the date the application is actually received by DEP, not the date the application is deemed complete or when a tentative decision to issue a permit is made.

- d. Create the Master Authorization.
- e. Enter the total amount received in Disturbed Acreage Fees in the Fee Payment screen against the account created for the client.
- 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.

**F. Application Transmittal to DEP.**

1. CCD staff will transmit a copy of the application and PCSM Plan documentation to the DEP regional office in electronic format unless the CCD is aware that the DEP regional office has already received electronic copies of these documents. This may be completed through DEP’s [Public Upload tool](#) or another method at the discretion of the DEP regional office.
2. If a paper application is received by the CCD, the CCD will inform the applicant to transmit an electronic version of the application and PCSM Plan to the DEP regional office using the Public Upload tool.

**NOTE 9** – During the informal pre-application meeting CCD staff should inform the applicant that the expectation for the Pilot Program is that DEP and CCD receive the application and all attachments at the same time, and that DEP must receive the application electronically. However, the Chapter 102 ePermit system should not be used to submit the application.

- G. CCD staff will provide the application to the CCD manager (or assistant manager or supervisor as designated by the manager) or to the CCD Application Manager. For applications received by CCDs that do not have PCSM delegation, DEP administrative staff will provide the application to the DEP Permits Chief or to the DEP Application Manager.

**NOTE 10** – If a CCD is accepting applications in the Pilot Program through a CCD-specific expedited review program, and the CCD intends for Pilot Program applications to be reviewed only during overtime hours, the CCD will notify DEP’s Bureau of Clean Water.

**III. Concurrent Review**

When the Application Manager receives the application, the Application Manager will, within 47 business days from the completion of Step II, conduct concurrent completeness and technical reviews of the application, as follows.

- A. Applications Received by PCSM-Delegated CCDs.

The CCD Application Manager and/or CCD Engineer will conduct a concurrent completeness review and technical review of the application, modules, and plans. The review will be documented



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using the Individual NPDES Permit Fact Sheet template, which serves as the record of decision on the application. An application is considered to be incomplete and/or technically deficient if any applicable item has a response of “FALSE” for the Completeness Review Checklist or the Technical Review Checklist.

**B. Applications Received by CCDs that are not PCSM-Delegated.**

1. The CCD Application Manager will conduct a concurrent completeness review and technical review of the application and its attachments including Module 1 and the E&S Plan. The DEP Application Manager will conduct a concurrent completeness review and technical review of Modules 2, 3, and 4 (as applicable) and the PCSM Plan. The review will be documented using the Individual NPDES Permit Fact Sheet template, which serves as the record of decision on the application. An application is considered to be incomplete and/or technically deficient if any applicable item has a response of “FALSE” for the Completeness Review Checklist or the Technical Review Checklist.
2. When applicable, the CCD Application Manager will transmit a list of completeness and/or technical deficiencies via email to the DEP Application Manager within 40 business days from the completion of Step II (to provide sufficient time for DEP to compile all comments).

**C. For all Pilot applications, the DEP Application Manager or administrative staff will update eFACTS as follows:**

1. Switch the “Priority Review” indicator on the Tasks screen to Yes.
2. Close out the “COMPL” task and subtask using the date the application was received for the Begin Date and the date the concurrent review starts for the End Date.
3. Enter the date the concurrent review starts for the Begin Date of the Technical Review Standard Task.
4. Enter the date the concurrent review starts for the Begin Date of the “DR” and “ER” subtasks and 47 business days after the concurrent review start date for the Due Date.

**D. Results of Concurrent Review.**

There are 3 possible outcomes of the concurrent review, as follows:

1. **There are no deficiencies or there are minor completeness and/or technical deficiencies.** In such cases the CCD Application Manager (CCDs with PCSM delegation) or the DEP Application Manager (CCDs without PCSM delegation) will issue a draft permit (see [Section IV](#)). Minor deficiencies are those that, in the judgment of DEP/CCD staff and management, can be corrected quickly with no impact on project or BMP/SCM design. Examples of minor deficiencies include:
  - BMPs or SCMs are mislabeled on modules, Plan Drawings, or the PCSM Spreadsheet;
  - A line type was not identified properly in the legend of a Plan Drawing;
  - Utilities or rights-of-way are not identified on PCSM Plan Drawings;
  - A BMP is discussed in E&S Module 1 but is not identified on E&S Plan Drawings; and
  - Standard notes are not identified on E&S Plan Drawings.
2. **There are significant completeness and/or technical deficiencies, but addressing those deficiencies will not likely involve a substantive redesign of the project or BMPs/SCMs.** Significant deficiencies are those that, in the judgment of DEP/CCD staff and management,



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can be corrected within 22 business days (30 calendar days) without a substantive redesign. In such cases the CCD Application Manager (CCDs with PCSM delegation) or the DEP Application Manager (CCDs without PCSM delegation) will issue a deficiency letter (see [Section V](#)). Examples of significant deficiencies that would not likely involve redesign include:

- A standard rock construction entrance is proposed but cannot be used because the project is located in an impaired watershed and must use Antidegradation Best Available Combination of Technologies (ABACT) BMPs;
- Items are missing from the construction sequence;
- Riprap apron or channel calculations are incorrect, and a different rock size or lining may be needed;
- The PCSM Plan does not identify critical stages of SCM implementation;
- Off-site discharge analyses (or erosion potential analyses) have not been completed; and
- Off-site support areas are known but were not identified on Plan Drawings.

3. **There are significant completeness and/or technical deficiencies, and addressing those deficiencies will likely involve a substantive redesign of the project or BMPs/SCMs or cause project delays.** Significant deficiencies likely requiring redesign are those that, in the judgment of DEP/CCD staff and management, may have a major impact on project or BMP/SCM design. In such cases the CCD Application Manager (CCDs with PCSM delegation) or the DEP Application Manager (CCDs without PCSM delegation) will return the application (see [Section VII](#)). Examples of significant deficiencies that would likely involve redesign include:

- There was no or insufficient infiltration testing;
- The use of Managed Release Concept (MRC) SCMs was assumed based solely on the site being located in a karst region;
- An E&S BMP is being proposed as an alternative BMP that has not been properly reviewed and approved;
- A PCSM SCM is identified on Plan Drawings in an area that was identified in the PNDI receipt as an area to avoid;
- Riparian buffer impacts will occur and an equivalency demonstration or offsetting proposal was not provided;
- Wetlands on the project site that will receive runoff were not identified or evaluated;
- The peak rate calculations do not analyze a 24-hour storm event; and
- The application did not properly identify potential soil pollutants based on past site use and/or spills.

#### **IV. Draft Permit Issuance**

When the decision is made to issue a draft permit, the following steps will be taken.

##### **A. Complete Fact Sheet.**

1. For CCDs without PCSM delegation, the CCD Application Manager will complete the Completeness Review Checklist, with the exception of PCSM completeness items, and the Technical Review Checklist for E&S-related items, and send their portion of the signed Fact Sheet to the DEP Application Manager via email. The DEP Application Manager will complete the PCSM completeness technical review items on the Fact Sheet. The Fact Sheet will be signed by the CCD Application Manager, CCD Manager, DEP Application Manager, and DEP Permits Chief or Program Manager.

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2. For CCDs with PCSM delegation, the CCD Application Manager and/or CCD Engineer will complete the entire Fact Sheet. The Fact Sheet will be signed by the CCD Application Manager and/or CCD Engineer, and CCD Manager.
3. If any site-specific permit conditions will be proposed, the basis for those conditions will be explained in the Fact Sheet.

**B. Prepare Draft Permit Package.**

1. The CCD Application Manager (if the CCD is PCSM-delegated) or DEP Application Manager (if the CCD is not PCSM-delegated) will prepare the draft permit package, including the following documents:

- a. The draft permit using the Individual NPDES Permit for Discharges of Stormwater Associated with Construction Activities (3800-PM-BCW0408d) template. A “DRAFT” watermark will be placed on all pages of the draft permit, the effective and expiration dates on page 1 will be left blank. The DEP/CCD Manager will not sign the draft permit.

**NOTE 11** – No modifications may be made to Parts A and B of the Individual NPDES Permit templates without prior approval of DEP’s Bureau of Clean Water.

- b. If there are no minor deficiencies, the DEP/CCD Application Manager should use the **NPDES IP Draft Permit Letter – Issue (24)** letter. If there are minor deficiencies, the DEP/CCD Application Manager should use the **NPDES IP Draft Permit and Technical Deficiency Letter – Issue (36)** letter. The applicable letter will be reviewed and signed by the DEP Permits Chief or CCD Engineer or Manager (depending on whether the CCD is or is not PCSM-delegated).
- c. A public notice for posting by the applicant, which is to be included as an attachment to the draft permit cover letter, using the **Draft Permit Public Notice for Posting (35)** template.
- d. The completed and signed Individual NPDES Permit Fact Sheet.

2. CCD staff will enter a record of the draft permit into an electronic data system.
3. DEP administrative staff or the DEP Application Manager will enter a “DP” Subtask Begin Date in eFACTS as the date the draft permit was transmitted to the applicant. If the Public Notice will be submitted to the [PA Bulletin Solution](#) on a deadline date then backdate the “DP” Subtask Begin Date by one day.
4. DEP administrative staff or the DEP Application Manager will submit notice of draft permits to the [PA Bulletin Solution](#) under Template Type: 01\_Applications, Template Sub Type: 01\_NPDES\_Federal, and Template Name: 03\_##\_NPDES\_102\_Stormwater\_Individual using the information in the **Draft Permit Public Notice for Posting (35)** template. Where the CCD will issue the draft permit, CCD staff will email the information needed for the public notice to the DEP regional office.
5. The DEP Application Manager (if the CCD is not PCSM-delegated) or the CCD Application Manager or Engineer (if the CCD is PCSM-delegated) will email the full draft permit package (see [paragraph B.1](#) above) in PDF format to the applicant, with a copy to the applicant’s consultant(s), the DEP regional office or CCD (whichever is applicable), the municipality (if an email address is available), and DEP’s Bureau of Clean Water ([RA-EPChapter102@pa.gov](mailto:RA-EPChapter102@pa.gov)).

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**NOTE 12** – This publication into the *Pennsylvania Bulletin* will satisfy the requirements of 25 Pa. Code §§ 92a.82(a) and 92a.82(b) (i.e., notification to the public of both the receipt of an application as well as DEP’s tentative determination to issue a permit).

**V. Technical Deficiency Letter (DEP/CCD Application Manager)**

- A. If DEP/CCD determines that the application and its attachments and plans contain significant technical deficiencies that would not likely result in a redesign of the project or BMPs/SCMs, the DEP Application Manager (if the CCD is not PCSM-delegated) or CCD Application Manager or CCD Engineer (if the CCD is PCSM-delegated) will prepare and send a **Pilot Deficiency Letter (39)**, which will be signed by the DEP Permits Chief or CCD Engineer or Manager, respectively. DEP/CCD staff will email the letter in PDF format to the applicant with a copy to the applicant’s consultant(s), the DEP regional office or CCD (as applicable), the municipality (if an email address is available), and DEP’s Bureau of Clean Water ([RA-EPChapter102@pa.gov](mailto:RA-EPChapter102@pa.gov)).

**NOTE 13** – Only one (1) technical deficiency letter will be sent.

- B. The technical deficiency letter will cite the statutory or regulatory requirement(s) that were not met.
- C. The CCD will update a record of the application in an electronic system to include the date the technical deficiency letter is transmitted.
- D. 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 or the date the application is returned.
- E. The applicant will be given 22 business days (30 calendar days) to respond. This 22-business day period is referred to as the deficiency correction period.
- F. A meeting with the applicant and/or the applicant’s consultant(s) is strongly encouraged before or immediately following issuance of the deficiency letter to improve understanding and increase the likelihood that the resubmission will correct the deficiencies.
- G. If the applicant does not respond within the deficiency correction period, the Application Manager will proceed to [Section VII](#), below. If the applicant responds within the deficiency correction period, the Application Manager will proceed to [Section VI](#), below.
- H. 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/CCD Application Manager will coordinate with the DEP Permits Chief or CCD Manager to decide whether to grant the extension. The DEP/CCD Application Manager will prepare and send the **Pilot Extension Response Letter (40)**, which will be signed by the DEP Permits Chief or CCD Manager. The time to respond may not exceed an additional 10 business days. DEP/CCD staff will email the letter in PDF format to the applicant with a copy to the applicant’s consultant(s), the DEP regional office or CCD (as applicable), the municipality (if an email address is available), and DEP’s Bureau of Clean Water ([RA-EPChapter102@pa.gov](mailto:RA-EPChapter102@pa.gov)).
1. The CCD will update a record of the application in an electronic system to include the date of the extension response letter, whether the extension was granted or not, and the new due date.
  2. If the request is granted, the DEP Application Manager will update the Due Date for the “SDN” subtask to the new due date.

## **VI. Review of Resubmissions (DEP/CCD Application Manager)**

- A. Resubmissions in response to a deficiency letter (including a draft permit letter identifying minor deficiencies) will be reviewed within 22 business days.
- B. If the revised application addresses all comments and significant deficiencies identified in a deficiency letter, the Application Manager will proceed to [Section IV](#).
- C. If the revised application addresses all minor deficiencies (and a draft permit was previously issued), the Application Manager will proceed to [Section VIII](#).
- D. If the revised application, including E&S and/or PCSM Plans, continues to be incomplete or contain significant deficiencies (as described in [paragraph III.C.2](#), above) the Application Manager will proceed to [Section VII](#), below.
- E. If the revised application continues to contain technical deficiencies, but those deficiencies are considered to be minor (as described in [paragraph III.C.1](#), above), the Application Manager will provide the applicant an opportunity to make final corrections to the application within 5 business days from the date of notification (no extensions). If the corrections are made in time, the Application Manager will proceed to [Section IV](#). If the corrections are not made in time, the Application Manager will proceed to [Section VII](#).
- F. If the response to a technical deficiency letter results in a substantive re-design of the project or project BMPs/SCMs (i.e., changes significant enough such that DEP/CCD would categorize the resubmission as a new application), or results in new or relocated discharge points, and a draft permit was previously issued, DEP/CCD will notify the applicant that the application is being returned (see [Section VII](#)).

## **VII. Application Return**

- A. If the applicant fails to respond within the deficiency correction period or the revised application continues to contain technical deficiencies, and those deficiencies are considered to be significant (as described in [paragraph III.C.2](#), above), or if the deficiencies are considered to be minor but the applicant has not made corrections within 5 business days, the Application Manager will provide notice to the applicant by email or mail that the application has been returned using the ***Pilot Return Letter (41)***.
  - 1. The Application Manager will attach the application to the email or include the application (only) with the notification letter along with a list of remaining deficiencies.
  - 2. The notification will provide a deadline of six (6) months to submit a new, corrected application without needing to repay disturbed acreage fees or change the permit ID number assigned to the application.
  - 3. The notification will inform the applicant that the new application will be reviewed under the standard review process.
- B. The Application Manager will copy the CCD (as applicable), DEP regional office (as applicable), and DEP's Bureau of Clean Water ([RA-EPCChapter102@pa.gov](mailto:RA-EPCChapter102@pa.gov)) on the email notification.
- C. The CCD will retain the application for a minimum of nine (9) months prior to disposal.

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- D. If the application has been entered into eFACTS, the DEP Application Manager or administrative staff will:
1. Close all tasks and subtasks in eFACTS using End Dates corresponding to the date the application is returned.
  2. Dispose the authorization in eFACTS by entering the return date in the “Date Disposed” field and selecting “RETN” for the disposition.

**VIII. Review Comments on Draft Permit**

- A. No Applicant or Public Comments Received – If no applicant or public comments are received within the 30-day comment period following publication in the Pennsylvania Bulletin, the Application Manager will check the appropriate box on the Fact Sheet and proceed to [Section IX](#).
- B. Requests for Extension – If the Application Manager receives a request for an extension of the 30-day public comment period, the Application Manager will coordinate with the DEP Permits Chief and Program Manager to determine whether an extension should be granted. Extensions may be granted for complex sites (e.g., contaminated sites) or where DEP finds there are extenuating circumstances. If the extension is granted, DEP will notify the requestor of the approval and publish notice of a 15-day extension in the *Pennsylvania Bulletin*, Special Notices section. DEP/CCD may, at their discretion, return the application if a 15-day extension will be granted.
- C. Applicant and/or Public Comments are Received.
1. The Application Manager will review the comments received from the applicant (or the applicant’s consultant) and decide whether the draft permit should be modified as a result of the comments. The Application Manager will consult with the DEP Program Manager and Permits Chief, as necessary. Upon final decision, the applicant’s comments will be addressed in the final permit decision letter. DEP’s Bureau of Clean Water should be contacted for assistance where comments concerning the standard language of the permit are made. The Application Manager will check the appropriate box on the Fact Sheet concerning the receipt of applicant comments and proceed to [Section IX](#).
  2. The 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 under 25 Pa. Code § 92a.82(d) 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 Application Manager will coordinate with the DEP Regional Community Relations Coordinator to schedule a public hearing and comply with 25 Pa. Code § 92a.83 concerning public notice.
    - a. Upon determining that a public hearing will be held, DEP staff will enter a “PH” subtask into eFACTS. The Begin Date will be the date it is determined that a public hearing is needed and the End Date will be the date the Comment-Response document is completed.
    - b. Following the hearing and receipt of the hearing transcript, DEP and CCD will jointly 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.
    - c. If public comments are received and a public hearing is not held, the Application Manager will review the comments and decide whether the draft permit should be modified as a

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result of the comments. The 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.

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

**NOTE 14** – As explained in [paragraph II.D](#), applications that are expected to have significant public interest should generally not be selected for the Pilot Program; however, any project could generate significant public interest during review of an application.

3. If the DEP Program Manager determines that there is significant public interest in the project and/or substantive changes have been made to the project design or project BMPs/SCMs since the notice of the draft permit was published, DEP may opt to return the application.
4. The Application Manager will check the appropriate box on the Fact Sheet and proceed to [Section IX](#).

## **IX. Permit Decision and Final Processing**

This step considers a final action of issuance only, as an application that could not be approved under the Pilot Program would be returned in an earlier step. DEP/CCD may not issue a final permit until the 30-day public comment period has ended.

- A. The Application Manager will prepare the **NPDES IP Issuance Letter (25)** (final permit cover letter) and the final Individual NPDES Permit. The Application Manager or administrative staff will transmit (by email whenever possible) permit documentation as follows:
  1. Permittee (if there is more than one permittee, each permittee will receive the information):
    - a. **NPDES IP Issuance Letter (25)**, signed by the DEP Program Manager (if the CCD is not PCSM-delegated) or CCD Manager (if the CCD is PCSM-delegated).
    - b. Final Individual NPDES Permit, signed by the DEP Program Manager (if the CCD is not PCSM-delegated) or the CCD Manager (if the CCD is PCSM-delegated), 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.
    - c. The [Chapter 102 Visual Site Inspection Report](#) form (DEP Document No. 3800-FM-BCW0271d).
    - d. If applicable, the [PA Stream Buffer Tracking Form](#) (DEP Document No. 3000-FM-OWP0100).
  2. Permittee's Consultant(s), Municipality(ies), and CCD (if DEP issues the final permit) or DEP regional office (if CCD issues the final permit): final permit cover letter and final permit.
  3. DEP Bureau of Clean Water (sent to [RA-EPChapter102@pa.gov](mailto:RA-EPChapter102@pa.gov) and [RA-102PermitForms@pa.gov](mailto:RA-102PermitForms@pa.gov)): electronic copies of the approved application, final permit cover letter, and the final Individual NPDES Permit.

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- E. CCD administrative staff 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 (if a paper application was submitted).
- F. 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, and record the Individual NPDES Permit in EPA’s ICIS database within 15 business days of the final action.
- G. The DEP Application Manager or administrative staff will:
  - a. Close all tasks and subtasks in eFACTS using End Dates corresponding to the date of the final decision to issue a final Individual NPDES Permit.
  - b. 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. **Do not** back date the “Date Disposed.”
- H. 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.



**ATTACHMENT A  
PILOT PROGRAM CHECKLIST**

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
 INDIVIDUAL PERMIT FOR DISCHARGES OF  
 STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITIES  
 PILOT PROGRAM APPLICATION CHECKLIST**

<b>Applicant Name:</b>	
<b>Project Site Name:</b>	

**Check the box provided for all items completed and/or provided. Failure to provide all required information will delay the processing of the application. ENCLOSE THIS CHECKLIST WITH YOUR COMPLETED APPLICATION.**

	<b>APPLICATION REQUIREMENTS <sup>1</sup></b>	<b>Check ✓ If Included</b>	<b>Check ✓ If Not Applicable</b>
1.	One original and one copy of the complete Application form (3800-PM-BCW0408b)	<input type="checkbox"/>	
2.	One original and one copy of the complete General Information Form (GIF) (0210-PM-PIO0001) <sup>2</sup>	<input type="checkbox"/>	
3.	Administrative Filing Fee (\$1,500 plus any additional CCD-specific fees, if applicable)	<input type="checkbox"/>	
4.	Disturbed Acreage Fee (\$100 x disturbed acres)	<input type="checkbox"/>	
5.	Two copies of the signed County Notification Form (3800-FM-BCW0271b)	<input type="checkbox"/>	
6.	Two copies of the signed Municipal Notification Form (3800-FM-BCW0271c)	<input type="checkbox"/>	
7.	One original and one copy of the PNDI Receipt <sup>3</sup>	<input type="checkbox"/>	
8.	Two copies of the PNDI clearance letter(s) from jurisdictional agencies <sup>3</sup>	<input type="checkbox"/>	<input type="checkbox"/>
9.	Two copies of the PHMC review letter(s) (projects involving > 10 acres of earth disturbance only)	<input type="checkbox"/>	<input type="checkbox"/>
10.	One original and one copy of E&S Module 1 (3800-PM-BCW0406a)	<input type="checkbox"/>	
11.	Two copies of the E&S Plan Drawings	<input type="checkbox"/>	
12.	Two copies of the E&S Standard Worksheets (or equivalent) and supporting calculations	<input type="checkbox"/>	
13.	One original and one copy of PCSM Module 2 (3800-PM-BCW0406b) signed by LP <sup>4</sup>	<input type="checkbox"/>	
14.	Two copies of the PCSM Plan Drawings, sealed by LP <sup>4</sup>	<input type="checkbox"/>	
15.	Two copies of the PCSM Supporting Calculations – SCM Design prepared by LP <sup>4</sup>	<input type="checkbox"/>	
16.	Two copies of the PCSM Supporting Calculations – Stormwater Analysis (required where DEP PCSM Spreadsheet not used)	<input type="checkbox"/>	<input type="checkbox"/>
17.	Two copies of the DEP PCSM Spreadsheet – Volume Worksheet (optional)	<input type="checkbox"/>	<input type="checkbox"/>
18.	Two copies of the DEP PCSM Spreadsheet – Rate Worksheet (optional)	<input type="checkbox"/>	<input type="checkbox"/>
19.	Two copies of the DEP PCSM Spreadsheet – Quality Worksheet	<input type="checkbox"/>	
20.	Two copies of the soil/geologic test results (where BMPs relying on infiltration will be installed)	<input type="checkbox"/>	<input type="checkbox"/>
21.	One original and one copy of Antidegradation Analysis Module 3 (3800-PM-BCW0406c) (and required attachments)	<input type="checkbox"/>	<input type="checkbox"/>
22.	One original and one copy of Riparian Buffer Module 4 (3800-PM-BCW0406d) (and required attachments)	<input type="checkbox"/>	<input type="checkbox"/>
23.	Two copies of MRC Design Summary Sheet(s)	<input type="checkbox"/>	<input type="checkbox"/>
24.	Documentation that the LP who participated in pre-application meetings will conduct oversight of critical stages of PCSM Plan implementation	<input type="checkbox"/>	<input type="checkbox"/>
25.	Other:	<input type="checkbox"/>	

<sup>1</sup> When electronic files are submitted, only one copy of the file is necessary.

<sup>2</sup> Where there is a co-applicant(s), additional Client Information and Certification sections of the GIF and additional Applicant and Certification sections of the application should be completed for each co-applicant.

<sup>3</sup> All applicants must attach a PNDI receipt. If the PNDI receipt indicates a Potential Impact, the applicant must submit clearance letters from jurisdictional agencies with the application. DEP/CCD will not review an application prior to the receipt of such letters, if applicable.

<sup>4</sup> A licensed professional (LP), as defined at 25 Pa. Code § 102.1, must prepare the PCSM Plan, seal PCSM Plan Drawings, and sign PCSM Module 2.

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**Version History**

<b>Date</b>	<b>Version</b>	<b>Revision Reason</b>
4/8/2024	1.0	Original