

**Standard Operating Procedure (SOP)<sup>1</sup>**  
**Review of Individual NPDES Permit Applications**  
**Stormwater Discharges Associated with Construction Activities**  
**through the ePermit System**  
**SOP No. BCW-PMT-043-E**  
**Final, April 19, 2021**  
**Revised, March 9, 2023**  
**Version 1.2**

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 electronic Applications for Individual NPDES Permit coverage for Discharges of Stormwater Associated with Construction Activities via the web-based ePermit system. The eFACTS authorization type covered by this SOP is “NSC” and the application types covered by this SOP include “NEW”, “AMAJ” (Major Amendment), “AMIN” (Minor Amendment) and “REN” (renewal).

This SOP is intended to comply with the DEP’s [Policy for Implementing the Department of Environmental Protection \(Department\) Permit Review Process and Permit Decision Guarantee](#) (DEP Document No. 021-2100-001) (PRP/PDG Policy). Only certain types of applications are subject to the Permit Decision Guarantee (PDG) described in the PRP/PDG Policy. Individual NPDES Permits for Discharges of Stormwater Associated with Construction Activities **ARE** part of the PDG, with a PDG timeframe of 107 business days.

DEP will be the permitting authority for all Individual NPDES permit applications. However, the application typically is submitted initially to delegated CCDs (i.e., the ePermit system is set up to route the application accordingly based on the information in the application). The CCD’s role in the review of Individual NPDES Permit applications is the completeness review, the technical review of the Erosion and Sediment Control (E&S) Plan, and the technical review of the Post-Construction Stormwater Management (PCSM) Plan when delegated. For counties without a delegated CCD, DEP will handle all aspects of the review of the Individual NPDES Permit application.

DEP and CCDs will refer to DEP’s [Policy for Permit Coordination](#) (DEP Document No. 021-2000-301) and other existing guidance when evaluating the need to coordinate issuance of Individual NPDES Permit with other permits.

Flow charts identifying the significant administrative procedures involved in processing Individual NPDES Permit applications are presented in the ePermit Reviewer User Guide in the Clean Water Academy.

## **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 for the applicant to explain the project to DEP/CCD.

- 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-](#)

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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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[Application Meeting Request Form](#) (DEP Document No. 3800-FM-BCW271e). If a CCD is contacted to schedule the pre-application meeting, they will coordinate the meeting with DEP, and vice-versa.

- B. During the Pre-Application Meeting, DEP/CCD staff will identify any additional DEP permits potentially required for the project<sup>2</sup> and provide an explanation of the Permit Review Process (PRP) and review timelines, and explain the Permit Decision Guarantee (PDG) and how it can be voided by the applicant. 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 application when it is submitted) for the application should be identified to the applicant.

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

Upon receipt of an Individual NPDES application through the ePermit system, the system will automatically assign an NPDES Permit Application Number in accordance with Section 6 of the E&S and NPDES Administrative Manual (Permit Numbering). DEP/CCD administrative staff and management will implement the following steps as soon as possible but no longer than five (5) calendar days following the receipt of the application.

A. Process Fees.

- 1. If the CCD will be performing the Completeness Review, the appropriate Base Administrative Filing Fee (\$1,500) for an Individual NPDES Permit application will be submitted directly (i.e., on paper) to the CCD Office<sup>3</sup> (and will not be paid through the ePermit system). CCD administrative staff will process and deposit the fee (including any CCD-specific fees where a CCD is the permitting authority) in accordance with guidance provided under the DEP Management Directive OAM-1000-001 (Deposit of Fees, Fines, Penalties and Other Revenue). If the appropriate Base Administrative Filing Fee for the Individual NPDES Permit application was not submitted, DEP/CCD administrative staff will follow the procedures for over- or under-payment of fees identified in the DEP Management Directive OAM-1000-001 and Program Clarification Memo PCM\_WET\_NCEC\_13\_003.

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

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

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<sup>2</sup> 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](#).

<sup>3</sup> If DEP will be performing the Completeness Review, the Base Administrative Filing Fee (\$1,500) **WILL** be collected by the ePermit system.

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2. The Additional Administrative Filing Fee (i.e., Disturbed Acreage Fee) will always be collected by the ePermit system (unless the Applicant is exempt from the fees as identified in Note 2).
3. CCD administrative staff will determine whether the appropriate CCD-specific fees have been submitted (these fees will not be paid through the ePermit system). Where DEP is the permitting authority, they 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. If fees need to be corrected (including non-payment of the District fee), the CCD administrative staff will enter a Correction Notice into the ePermit system, which will document the decision made by the Applicant on how to proceed. The box for “General” will need to be checked for the “Associated Module(s) to unlock” for this Correction Notice. The Citation will be *25 Pa. Code § 102.6(b)(1)* when associated with the Base Administrative Filing Fee and *25 Pa. Code § 102.6(b)(3)* when associated with the CCD’s Service Fee.

**NOTE 3** – Fees (including CCD-specific fees) must be resolved prior to considering an application for completeness (Section III).

**NOTE 4** – Fees paid through the ePermit system may be returned electronically for one reason or another. If this happens, DEP’s Bureau of Clean Water will notify the permitting authority of the need for the applicant to repay the fees through the ePermit system. The permitting authority will then send a correction notice concerning the repayment of fees.

**B. Preliminary Data Management.**

If non-electronic payments are received by a CCD, the payment information (i.e., check number, amount paid, etc.) will be entered into the Internal Review Comments of the Completeness Review Task Detail.

**NOTE 5** – If necessary, the permitting authority will need to coordinate with other CCDs to coordinate the payment information.

**C. 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) will:**

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

**NOTE 6** – A CCD may create an expedited review process under their fee schedule. However, the expedited reviews under such a process would be to pay for overtime for the CCD staff to perform the review. A CCD expedited review would not supersede the PRP/PDG Policy’s Permit Review Hierarchy and a CCD expedited review fee does not affect the processing of the application by the DEP office.

2. Where a CCD believes that the project should receive a higher priority review, the CCD staff will consult with the DEP Permits Chief or Program Manager, specifically when a project may be considered controversial, involves an applicant with an adverse compliance history, or is the subject of legislative interest. In some instances, the DEP office may inform the CCD of a

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higher priority assignment based upon information that the CCD may not have previously received.

3. Assign an Application Manager to the application through the ePermit system by selecting that individual as the Lead Reviewer.

### **III. Completeness Review (Application Manager)**

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

#### **A. Completeness Review by Application Type.**

1. **New Applications** – The Application Manager will document the completeness review of new applications using the Individual NPDES Permit Fact Sheet template (see **Attachment B**), which serves as the record of decision on the application. The DEP Application Manager and Permits Chief will sign the Fact Sheet. A complete and technically adequate application for a new project is characterized by a response of “TRUE” or “N/A” for all items in the application Completeness Review Checklist of the Fact Sheets, not including fees addressed in Section II.A.
2. **Renewal Applications** – This section is reserved for future use.
3. **Amendment Applications** – The contents of a complete and technically adequate Individual NPDES Permit application for an existing permittee seeking a Major or Minor Amendment must include 1) a complete application, and 2) other information to be determined by DEP/CCD in consultation with the permittee and following the guidelines in DEP's [Frequently Asked Questions \(FAQ\) for Chapter 102 Permit Amendments](#). Fact Sheets are optional for amendment applications.

**NOTE 7** – All Major Amendments to individual permits must be issued by DEP. A Minor Amendment which is solely related to the E&S Plan can be issued by DEP or a delegated CCD after coordination with DEP. A Minor Amendment which includes revisions to the PCSM Plan can be issued by DEP or a PCSM-delegated CCD after coordination with DEP.

**NOTE 8** – The Compliance History and Certification Module should contain at a minimum all violations that have been recorded in eFACTS. The applicant is expected to report any violations of a regulation, permit, order, or schedule of compliance that are not recorded in eFACTS 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.

**NOTE 9** - Under the following conditions DEP/CCD may request the submission of plan drawings on paper to facilitate review:

- When the plan view is split between three or more sheets.
- The measure feature is not accurate on the electronically provided plan drawings.
- Large projects where the earth disturbance is equal to or greater than 100 acres.
- Projects which discharge to two or more receiving surface waters.

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

**B. Determination – Application is Complete.**

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

1. Finish the Completeness Review Task Detail and save the Task Detail with a Task Status of Complete.
2. Finish the Completeness Determination Task Detail and save the Task Detail with a Recommended Decision of Complete. The ePermit system will send an electronic notice to the Applicant notifying them that the application was deemed complete.
3. The Receipt of Application and Draft Permit Notice Task Detail will autogenerate and need to be deleted. This task will be set as inactive to account for the new process in a future release.

**C. Determination – Application Contains Minor Deficiencies.**

1. Save the Completeness Review Task Detail with a Task Status of “Incomplete”.
2. If the application 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 application incomplete, but a Correction Notice which identifies the minor deficiencies will be sent (the box for “Only Minor Deficiencies” will be checked and the box for “Include PDG Strike” will be left blank).

**NOTE 10** – After the Application Manager has entered the information into the Correction Notice, they will notify the appropriate DEP/CCD manager that the Correction Notice has been completed and is ready for their review. The Application Manager will then assign the appropriate Task Detail to the DEP/CCD manager. The DEP/CCD manager will review and send the Correction Notice. Staff level reviewers will not click the “Send to Operator” button for the Correction Notice. After sending the Correction Notice the DEP/CCD manager will reassign the Task Detail back the Lead Reviewer (or whomever it was previously assigned to).

3. If any communication is made with the Applicant or their consultant, the Application Manager will enter and save the Applicant Communication Task Detail as a Completeness Task.
4. After the necessary materials have been received, and assuming the application can then be considered complete, the Application Manager will follow the steps in Section III.B, above.
5. If a submission is not received, the Application Manager will Recall the Correction Notice and proceed to Section III.D. If a submission is received but does not correct the original minor deficiencies, the Application Manager will proceed to Section III.D.

**D. Determination – Project is Incomplete.**

1. Save the Completeness Review Task Detail with a Task Status of “Incomplete”.
2. If the application is incomplete or if the applicant does not respond to or correct minor deficiencies, the Application Manager will officially deem the application to be incomplete. The

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Application Manager will prepare and send a Correction Notice (the box for “Only Minor Deficiencies” will be left blank and the box for “Include PDG Strike” will be checked), which will be reviewed and approved by the CCD Manager or DEP Program Manager/Permits Chief before being sent.

**NOTE 11** – Only one (1) incompleteness Correction Notice (where the box for “Only Minor Deficiencies” will be left blank and the box for “Include PDG Strike” will be checked) will be sent by the Application Manager.

- a. If an application is determined to be incomplete, the PDG is void.
- b. The correction notice will cite the statutory or regulatory requirement(s) that were not met.
- c. The applicant will be given 60 calendar days to respond. This 60 calendar-day period is referred to as the deficiency correction period. If the applicant does not respond within the 60 calendar days, DEP/CCD will consider the application to be withdrawn by the applicant (per 25 Pa. Code § 102.6(c)(2)).
- d. The applicant may request, through the ePermit system, 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 complete and save the Extension Request Review Task Detail. 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 12** – In order for the extension request to be considered, the justification must relate to the completeness deficiencies identified and not related to revisions to the plan/project from another approving agency (e.g., municipality, PennDOT, etc.). If the extension request is related to another approving agency’s comments, the request will not be granted and the applicant should consider withdrawing their application.

3. If a submission is received within the deficiency correction period that corrects the deficiencies, the Application Manager will consider the application complete and follow the steps in Section III.B, above.
4. If no submission is received by the end of the deficiency correction period, or if the applicant voluntarily elects to withdraw the application through the ePermit system, the Application Manager will save the Completeness Determination Task Detail with a Recommended Decision of Withdrawn.

**NOTE 13** – If an application is withdrawn, no *Pennsylvania Bulletin* notice is required.

**NOTE 14** – If an application is withdrawn, the Base Administrative Filing Fee (\$1,500) and Disturbed Acreage Fee will not be refunded. However, the Disturbed Acreage Fee does not have to be re-paid upon submission of a new application for the exact same project (whether or not it is the same applicant). A new Base Administrative Filing Fee (\$1,500) must however be paid for a new application.

5. If a submission is received by the end of the deficiency correction period that does not correct the deficiencies, the Application Manager will notify the CCD Manager or DEP Program Manager, who will then save the Completeness Review Task Detail with a Recommended Decision of Denied.

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**NOTE 15** – The permitting authority is under no obligation to identify to the applicant if their response submission does not make their application complete. However, if there are only minor deficiencies, as described above, the Application Manager can proceed as described in Section III.C above to try and resolve the minor deficiencies.

**NOTE 16** – If an application is denied, a *Pennsylvania Bulletin* notice is required, which should be published in the special notices section of the *Pennsylvania Bulletin* or as otherwise determined by the DEP regional office.

**NOTE 17** – If an application is denied, the Base Administrative Filing Fee (\$1,500) and Disturbed Acreage Fee will not be refunded. Both fees must be included in any resubmission, even for the exact same project.

6. After the Completeness review is final, reassign the Lead Reviewer in the ePermit system to the DEP Section Chief.

#### **IV. Technical Review (Application Manager)**

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

If the PDG was not voided during the Completeness Review, DEP will have 107 business days from when the application is deemed complete to make a tentative permit decision.

##### **A. First Technical Review.**

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

##### **1. New Applications**

- a. Erosion and Sediment Control (E&S) Plan Technical Review – Application Managers will conduct a technical review of all E&S Plans for new applications utilizing either the Standard E&S Control Plan Technical Review Checklist or the Expanded E&S Control Plan Technical Review Checklist as contained on pages 357 or 360 (depending on the reviewer’s knowledge and experience), respectively, of the [Erosion and Sediment Pollution Control Program Manual](#) (E&S Manual). Documentation of the use of the checklist will be identified in the Individual NPDES ePermit Fact Sheet and the completed checklist will be attached to the Individual NPDES ePermit Fact Sheet (as an alternative, the completed checklist can be uploaded separately from the Individual NPDES ePermit Fact Sheet).

**NOTE 18** – Upon the Completeness Determination Task Detail being deemed complete, the ePermit system will automatically generate the E&S Technical Review Task Detail and the PCSM Plan Technical Review Task Detail assign the Task Details to the Lead Reviewer.

- b. Post-Construction Stormwater Management (PCSM) Plan Technical Review (Delegated CCD or DEP) – The Application Manager (DEP unless the CCD is PCSM-delegated) will conduct a technical review of the PCSM Plan using the PCSM Plan Technical Review Checklist in the Individual NPDES Permit Fact Sheet.

If the project is located in Philadelphia County and the Philadelphia Water Department (PWD) is coordinating the PCSM Plan review with DEP’s Southeast Regional Office’s

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Waterways and Wetlands Program, the application manager can create the PWD PCSM Review Task Detail and assign it accordingly to PWD. (Please note at this time PWD does not have access to the ePermit system. Until PWD is in the ePermit system, they can access the application via the ePermit public view and coordinate outside of the ePermit system with the Southeast Regional Office’s Waterways and Wetlands Program).

- c. If DEP is performing the Technical Review of the PCSM Plan, update the lead reviewer to the DEP user performing the PCSM Technical Review. If the CCD is PCSM-delegated, the CCD can update the lead reviewer to the CCD user performing the PCSM Technical Review.

E&S and PCSM Plan Technical Reviews will be conducted concurrently, as applicable.

**NOTE 19** – If there are multiple offices reviewing the same application (e.g., a project that spans 2 counties), a separate E&S Technical Review Task Detail should be created for each office to document their review.

2. **Renewal Applications** – This section is reserved for future use.
3. **Amendment Applications** – If necessary, the Application Manager will perform the Technical Review on the amended E&S and/or PCSM Plans in accordance with Section IV.A.1 above.

- B. Determination – The application does not contain technical deficiencies.

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

1. Finish and save the E&S Technical Review Task Detail with a Recommended Decision of “No Technical Deficiency”.
2. Finish and save the PCSM Technical Review Task Detail with a Recommended Decision of “No Technical Deficiency”.
3. Create, finish, and save the Lead Reviewer Recommendation Task Detail with a Decision of Authorize. Once this task detail is saved, draft cover letter and permit will be generated in the Build/View Final Docs tab in the ePermit system. Update the documents accordingly and add any special conditions. Please note that any fields with <brackets> will auto populate from the ePermit system and any fields with (parenthesis) need to be manually input by the user.
4. If the task did not automatically generate, add the task detail for Section Chief approval of Tentative Action and assign it to the DEP Permit Section Chief. Additionally, assign the Section Chief Final Recommendation to the DEP Permit Section Chief.

- C. Determination – The application contains minor technical deficiencies.

1. Save the E&S Control Technical Review Task Detail (and any applicable PCSM Technical Review Task Detail) with a Recommended Decision of “Technical Deficiency”.
2. If the application, including E&S and/or PCSM Plans, contains 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) business days), the Application Manager will send a Correction Notice which identifies the minor deficiencies (the box for “Only Minor Deficiencies” will be checked and the box for “Include PDG Strike” will be left blank).



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3. Add new Technical Tasks - Section Chief Approval of Tentative Action, Send Draft Permit, and PA Bulletin Tentative Action Notice Task Details (if they did not auto generate by the system) and assign them to the Section Chief. Within the Section Chief Approval of Tentative Action Task, indicate a tentative decision to issue the permit when the following conditions in paragraphs a through c below are satisfied:
  - a. The technical deficiencies can be addressed adequately within the deficiency correction period without a substantive re-design to the project or project BMPs. Examples of the degree of technical deficiencies that would typically not include a substantive re-design include, but are not limited to, the following:
    - Utilities or rights-of-way are not identified on PCSM Plan Drawings;
    - 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
    - A BMP such as a turbidity curtain is discussed in E&S Module 1 but is not identified on E&S Plan Drawings;
    - Critical stages of construction for all PCSM BMPs are not identified;
    - Items are missing from the construction sequence;
    - A line type was not identified properly in the legend of a Plan Drawing;
    - Riprap apron calculations are incorrect, and a different rock size may be needed; and
    - Off-site support areas are known but were not identified on Plan Drawings.
  - b. It is likely that following receipt of the applicant's response to the correction notice, DEP would move forward to issuance of a final permit (i.e., Elevated Review as described in Section V is unlikely to occur).
  - c. Site-specific special conditions will not be necessary for the final permit or such conditions can be developed and included in the draft permit.
  - d. If the conditions in paragraphs 2.a through 2.c above are not satisfied, a correction notice will be sent to the applicant without a draft permit. Technical deficiencies to a degree that would not satisfy condition (a) and would likely require a substantive re-design to the project or project BMPs include, but are not limited to, the following:
    - There was insufficient infiltration testing and the use of Managed Release Concept (MRC) BMPs cannot be 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 BMP 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
    - The application did not properly identify potential soil pollutants based on past site use and/or spills.
4. After the Section Chief Tentative Action task detail is completed, the Section Chief will need to complete the Send the Draft Permit task detail and ensure that they indicate that they wish to send a copy of the draft permit by checking the yes box.

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5. The Section Chief can then reassign the PA Bulletin Tentative Action task detail to an administrative staff or as delegated. Please note that the system does not generate the PA Bulletin Notice. It will need to be completed outside of the system.
  6. If any communication is made with the Applicant or their consultant, the Application Manager will enter and save the Applicant Communication Task Detail as a Technical Task.
  7. After the necessary materials have been received, and assuming the minor technical deficiencies have been addressed, the Application Manager will follow the steps in Section IV.B, above.
  8. After the necessary materials have been received, and assuming the minor technical deficiencies have been addressed, the Application Manager will follow the steps in Section IV.B. above.
  9. 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 application contains technical deficiencies.
1. Save the E&S Control Technical Review Task Detail and/or the PCSM Technical Review Task Detail with a Recommended Decision of “Technical Deficiency”.
  2. If the application, including E&S and/or PCSM Plans, contains 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 Correction Notice (the box for “Only Minor Deficiencies” will be left blank and the box for “Include PDG Strike” will be checked), which will be reviewed and approved by the DEP Program Manager/Permits Chief before being sent.

**NOTE 20** – Only one (1) technical Correction Notice (where the box for Only Minor Deficiencies will be left blank and the box for Include PDG Strike will be checked) will be sent by the Application Manager.

- a. If an application is determined to have technical deficiencies, the PDG will be void, if not otherwise previously voided.
- b. The Correction Notice will cite the statutory or regulatory requirement(s) that were not met.
- c. 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.
- d. The applicant may request, through the ePermit system, 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 complete and save the Extension Request Review Task Detail. 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 21** – In order for the extension request to be considered, the justification must relate to the technical deficiencies identified and not related to revisions to the plan/project from

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another approving agency (e.g., municipality, PennDOT, etc.). If the extension request is related to another approving agency's comments, the request will not be granted and the applicant should consider withdrawing their application.

3. If a re-submission is received within the deficiency correction timeframe, the Application Manager will follow the steps in Section IV.E, below.
4. If the applicant does not respond to the technical deficiency letter by the deadline provided or voluntarily elects to withdraw the application through the ePermit system, the Application Manager will create the Lead Reviewer Recommendation Task Detail and save the task with a Decision of Withdraw. The Application Manager shall assign the Section Chief Final Recommendation Task Detail to the DEP Permits Chief. The DEP Permits Chief will then review the letter and complete the Section Chief Final Recommendation Task Detail, saving with a Tentative Disposition of Withdrawal. The Section Chief will then assign the Management Final Sign-off Task Detail to the DEP Program Manager or themselves.
5. The DEP Program Manager/Permits Chief will then complete and finish the Management Final Sign-off Task Detail, saving with a Decision of Withdraw.

**NOTE 22** – If an application is withdrawn, no *Pennsylvania Bulletin* notice is required.

**NOTE 23** – If an application is withdrawn, the Base Administrative Filing Fee (\$1,500) and Disturbed Acreage Fee will not be refunded. However, the Disturbed Acreage Fee does not have to be re-paid upon submission of a new application for the exact same project (whether or not it is the same applicant). A new Base Administrative Filing Fee (\$1,500) must however be paid for a new application.

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

**E. Second Technical Review.**

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

1. The Application Manager will conduct a technical review of the revised E&S and/or PCSM Plans in accordance with Section IV.A, above.
2. If the revised application, including E&S and/or PCSM Plans does not contain technical deficiencies, the Application Manager or DEP/CCD administrative staff will follow the steps in Section IV.B, above.
3. If the revised application, including E&S and/or PCSM Plans contains 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.
4. If the revised application, including E&S and/or PCSM Plans contains technical deficiencies that are determined to be significant or if the applicant does not respond to or correct the minor technical deficiencies, the Application Manager will save the E&S Control Technical Review and/or the applicable PCSM Technical Review Task Detail with a Decision of Technical Deficiency and then proceed to Section V.
5. If the response to a correction notice results in a substantive re-design of the project or project BMPs, changes significant enough such that DEP would categorize the resubmission as a new

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application, or results in new or relocated discharge points, and a draft permit was previously issued, the DEP Program Manager and/or Permits Chief will do one of the following:

- a. Contact the applicant and request that the applicant voluntarily withdraw the application;  
or
- b. Notify the applicant that DEP/CCD will return to the initial technical review phase (Section IV A) and will make a new tentative decision on the application, issue a new draft permit, update the fact sheet, republish notice in the *Pennsylvania Bulletin*, and repeat applicable steps of the process in Section VI.

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

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

**NOTE 24** – To initiate an Elevated Review, when not otherwise triggered by the Permit Review Process, the applicant must submit the request, in writing, to DEP.

The Elevated Review Process will be as follows:

- A. Create the Elevated Review Task Detail and save it with a Decision of Technical Deficiency.
- B. The Application Manager will create a new Correction Notice which identifies the remaining technical deficiencies with the application (the Correction Notice will not be sent at this Step). The Application Manager will coordinate with the DEP Program Manager (this can be done by assigning the Elevated Review Task Detail to the DEP Program Manager).
- 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 Correction Notice. The Application Manager will complete the Task Activities in the Elevated Review Task Detail.
  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 correction notice 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. The first notice of scheduling an elevated review meeting will be done by filling out the Notification Language in the Task Activities of the Task Detail, and the clicking on the Send Notice to Schedule Elevated Review. Additional coordination with the applicant may be necessary through email or via the telephone to schedule the elevated review meeting.
  1. After the elevated review meeting has been scheduled with the applicant, the Application Manager will enter the Scheduled Meeting Date in the Task Activities of the Task Detail. Then the Application Manager will send the correction notice with a due date of 10 business days after the date of the scheduled elevated review meeting.
  2. The applicant and their consultant should review the correction notice and come to the meeting prepared to discuss resolution of the technical deficiencies. A response submission is not expected or encouraged prior to the meeting.

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3. The attendees at the meeting should include the DEP Program Manager, the Application Manager, the CCD Manager (if the CCD is the initial recipient of the application), the applicant, and the applicant's consultant, at a minimum.
4. 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.

**NOTE 25** – If additional days are granted to respond, the Application Manager will recall the correction notice and provide the additional days and resend the correction notice.

5. If the meeting results in no agreement to resolve the technical deficiencies, DEP's Program Manager will consult with the Bureau of Clean Water Director and, as necessary, the Deputy Secretaries of Water Programs and Field Operations, to arrive at a decision on the application. Once the decision is communicated to the 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 correction notice will be sent without having an elevated review meeting, the correction notice will be sent by the DEP Program Manager/Permits Chief.

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.

- F. If a submission is received and all technical deficiencies have been corrected, the Application Manager will proceed to Section VI.A.
- G. If a submission is not received or if a submission is received but all technical deficiencies have not been corrected, the Application Manager will proceed to Section VI.B.

## **VI. Tentative Permit Decision**

Following the technical review of applications, the DEP/CCD Application Manager will complete the following steps.

- A. Upload a completed Fact Sheet to the Lead Reviewer Recommendation Task Detail.
1. If a CCD is the initial recipient of an application, the CCD Application Manager will complete and sign the appropriate sections of the fact sheet in Attachment B, and the E&S Technical Review Checklist and, if the CCD is PCSM-delegated, the additional sections of the PCSM Technical Review Checklist of the Individual NPDES Permit Fact Sheet contained in **Attachment B**.
  2. The DEP Application Manager will complete any remaining portions and sign the Fact Sheet. Site-specific permit conditions will be identified and explained in the Fact Sheet, if applicable.
- B. Prepare Tentative Denial Letter or Draft Permit Package and Public Notice.
1. If a tentative decision is made to deny the application, the DEP Application Manager will do the following:

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- a. Ensure that the Individual NPDES ePermit Fact Sheet is fully signed and uploaded to the Lead Reviewer Recommendation Task Detail.
- b. The Application Manager will begin and complete the Lead Reviewer Recommendation Task Detail. The Task Detail will be saved with a Decision of Deny.
- c. The draft denial letter will generate in the Build/View Final Docs tab and the application manager will update it accordingly.
- d. The Application Manager will then assign the Section Chief Approval of Tentative Action Task Detail and assign the Task Detail to the DEP Section Chief.
- e. The DEP Section Chief will review the final documents (e.g., letter) and complete and save the Section Chief Approval of Tentative Action Task Detail with a Recommended Disposition of Deny. Until the system is updated, the reviewer or manager will need to generate a denial letter with a draft watermark and the tentative denial public notice utilizing the templates on Clean Water Academy and send it to the applicant outside of the system. It is recommended to upload a copy of each within the Section Chief Tentative Action task detail.
- f. The DEP Section Chief will then need to add the PA Bulletin Tentative Action Notice Task Detail in the ePermit system and assign it to the DEP Regional Office's administrative staff. The DEP Regional Office's administrative staff will do the following:
  - i. Click the Generate PA Bulletin Notice link and prepare the information for notice into the PA Bulletin. Due to recent format changes, the administrative staff will need to coordinate with the lead reviewer or locate the information needed for the Bulletin within the system. The PA Bulletin notice will need to be processed outside of the ePermit system. The ePermit system does not automatically post the tentative action to the PA Bulletin.
  - ii. The date of anticipated publishing in the PA Bulletin will be identified in the Internal Review Comments.
  - iii. The Task Detail will then be saved with a Decision of Closed.

**NOTE 26** - The fully signed Individual NPDES ePermit Fact Sheet will be uploaded as an attachment to the Lead Reviewer Recommendation Task Detail.

2. If a tentative decision is made to issue the permit:
  - a. The DEP Application Manager will ensure that the Individual NPDES ePermit Fact Sheet is fully signed and uploaded to the Lead Reviewer Recommendation Task Detail.
  - b. The DEP Application Manager will begin and complete the Lead Reviewer Recommendation Task Detail. The Task Detail will be saved with a Decision of Issue.
  - c. The draft cover letter and permit will generate in the Build/View Final Docs tab and the application manager will update it accordingly and add any special conditions to the permit. Type in the plan drawing names and dates in the Build/View Docs template. Reminder, anything in <brackets>, the ePermit system will auto populate and anything in (parentheses) the user will need to manually input.

**NOTE 27** – No modifications may be made to the Individual NPDES Permit templates without prior approval of DEP's Bureau of Clean Water.

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- d. A public notice for posting by the applicant is to be included as an attachment to the draft permit cover letter, using the **Draft Permit Public Notice for Posting** template. Currently the ePermit system does not automatically generate this document so it will need to be prepared outside of the system and uploaded to the Lead Reviewer Recommendation Task Detail.
  - e. The Application Manager will then add the following task details: Send Draft Permit, PA Bulletin Tentative Action Notice and Section Chief Approval of Tentative action (if the task details did not autogenerate). These Task Details will then be assigned to the DEP Section Chief.
  - f. The DEP Section Chief will review the final documents (e.g., letter and permit) and complete and save the Section Chief Approval of Tentative Action Task Detail with a Recommended Disposition of Issue.
  - g. The Section Chief will complete the Send Draft Permit Task Detail. When this task is closed, it will send an e-mail notification to the applicant(s), consultants(s), CCD(s) and municipality(s) that a draft permit is available in the ePermit system. The draft permit will be visible as a module to the applicant and general public. Until the system is updated, the reviewer or manager will need to generate a **Draft Permit Public Notice for Posting** and send it to the applicant outside of the system.
  - h. The DEP Section Chief will then need to add the PA Bulletin Tentative Action Notice Task Detail in the ePermit system and assign it to the DEP Regional Office's administrative staff. The DEP Regional Office's administrative staff will do the following:
    - i. Click the Generate PA Bulletin Notice link and prepare the information for notice into the PA Bulletin. Due to recent format changes, the administrative staff will need to coordinate with the lead reviewer or locate the information needed for the Bulletin within the system. The PA Bulletin notice will need to be processed outside of the ePermit system. The ePermit system does not automatically post the tentative action to the PA Bulletin.
    - ii. The date of anticipated publishing in the PA Bulletin will be identified in the Internal Review Comments.
    - iii. The Task Detail will then be saved with a Decision of Closed.
- C. Following Public Comment Period.
- 1. 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 DEP Application Manager will check the appropriate box on the Fact Sheet and proceed to Section VII.
  - 2. Applicant and/or Public Comments are Received.
    - a. The DEP 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 DEP 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. In general, DEP Bureau of Clean Water should be contacted for assistance where comments concerning the standard language of

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the permit are made. The DEP Application Manager will check the appropriate box on the Fact Sheet concerning the receipt of applicant comments and proceed to Section VII.

- b. The DEP Application Manager will review the comments received from the public. In general, if there are five or more independent requests (from separate individuals or organizations that may be affected by issuance of a final permit) for a public hearing 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 DEP 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. Following the hearing and receipt of the hearing transcript, the DEP Application Manager will prepare a Comment-Response document that addresses all comments received during the public comment period and hearing. The Comment-Response document will be uploaded and attached to the final permit decision letter.
  - i. If public comments are received and a public hearing is not held, the DEP Application Manager will review the comments and decide whether the draft permit should be modified as a result of the comments. The DEP Application Manager will consult with the DEP Program Manager and Permits Chief, as necessary. A Comment-Response document will not be prepared unless determined otherwise by the DEP Program Manager. However, the Fact Sheet will be updated to summarize public comments and explain how they were considered in the final decision.
  - ii. If the DEP Program Manager determines that there is significant public interest in the project and substantive changes have been made to the project design or project BMPs since the notice of the draft permit was published, then DEP may opt to make a new tentative decision on the application, issue a new draft permit, update the fact sheet, republish notice in the *Pennsylvania Bulletin*, and repeat any other applicable steps described above in this section.

D. The DEP Application Manager will check the appropriate box on the Fact Sheet and proceed to Section VII.

**VII. Permit Decision and Final Processing (Application Manager and DEP Manager)**

**DEP/CCD may not issue a final permit until the 30-day public comment period has ended.**

A. Decision – Issue Final Permit.

1. The Application Manager will begin and complete the Lead Reviewer Recommendation Task Detail with a final decision. The Task Detail will be saved with a Decision of Issue.

**NOTE 28** – The Individual NPDES ePermit Fact Sheet signed by the reviewers and Application Manager can be uploaded as an attachment to the Lead Reviewer Recommendation Task Detail or can be provided directly to the DEP Section Chief.

2. The Application Manager will assign the Section Chief Final Recommendation Task Detail to the DEP Section Chief.
3. The DEP Section Chief will review the final documents (e.g. cover letter and permit) and complete and save the Section Chief Final Recommendation Task Detail with a Recommended Disposition of Issue. The fully signed Individual NPDES ePermit Fact Sheet will be uploaded as an attachment to the Section Chief Final Recommendation Task Detail. The Permit Chief will then assign the Management Final Sign-Off Task to the DEP Program Manager.



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4. The DEP Program Manager will review the final documents (e.g., cover letter and permit) and complete and save the Management Final Sign-Off Task Detail with a Disposition of Issue. The DEP Program Manager will then need to save the task detail, click the Finalize button in the Task Activities, and then click save again in the task detail to transmit the documents through the ePermit system.
5. The DEP Program Manager can then delete the PA Bulletin Final Action Notice Task Detail if it autogenerates. This task detail is no longer needed as the final action is automatically posted to the PA Bulletin using eFACTS data.

**B. Decision – Deny Application.**

**DEP/CCD may not deny an application in which a tentative denial of an application is published until the 30-day public comment period has ended.**

1. The Application Manager will ensure that the Individual NPDES ePermit Fact Sheet is fully signed and uploaded to the Lead Reviewer Recommendation Task Detail.
2. The Application Manager will begin and complete the Lead Reviewer Recommendation Task Detail. The Task Detail will be saved with a Decision of Deny.
3. The Application Manager will assign the Section Chief Final Recommendation Task Detail and assign the Task Detail to the DEP Section Chief.
4. The DEP Section Chief will review the final documents (e.g., letter) and complete and save the Section Chief Final Recommendation Task Detail with a Recommended Disposition of Deny. The DEP Section Chief will then assign the Management Final Sign-Off Task to the DEP Program Manager.
5. The DEP Program Manager will review the final documents (e.g. denial letter) and complete and save the Management Final Sign-Off Task Detail with a Disposition of Deny. The DEP Program Manager will then need to save the task detail, click the Finalize button in the Task Activities, and then click save again in the task detail to transmit the documents through the ePermit system.
6. The DEP Program Manager can then delete the PA Bulletin Final Action Notice Task Detail if it autogenerates. This task detail is no longer needed as the final action is posted to the PA bulletin via eFACTS data.

**NOTE 29** – If an application is denied, the Base Administrative Filing Fee (\$1,500) and Disturbed Acreage Fee will not be refunded. Both fees must be included in any resubmission, even for the exact same project.

**ATTACHMENT A**

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



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

Project Site Name:	
Applicant Name:	
Meeting Date:	Time:
Meeting Location:	<input type="checkbox"/> Conference Call
Application Manager Name (if known):	
Meeting Attendees:	
Name	Company/Organization / Contact Information
<hr style="border: 0.5px solid black; margin-bottom: 10px;"/>	
Recommended Agenda:	
<ol style="list-style-type: none"> <li>I. Introductions</li> <li>II. Overview of Permit Review Process (DEP/CCD)</li> <li>III. DEP/CCD expectations</li> <li>IV. Overview of Permit Decision Guarantee (DEP/CCD, if applicable)</li> <li>V. Project overview (Applicant/Consultant)             <ol style="list-style-type: none"> <li>a. Brief description of project</li> <li>b. Identification on unique site features on the Project Site</li> </ol> </li> </ol>	

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**

**INDIVIDUAL NPDES ePERMIT FACT  
SHEET**

**CHAPTER 102 INDIVIDUAL NPDES PERMIT  
ePERMIT FACT SHEET**

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

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

Application Completeness Review Checklist
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COMPLETENESS ITEM	TRUE	FALSE	N/A
1. 102.6(a)(1) – The County and Municipal Notification Forms (3800-FM-BCW0271b and 3800-FM-BCW0271c, respectively) with county and municipal signatures or proof that the county and municipality received the forms were submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. 102.6(a)(2) – The PNDI receipt (draft receipts not acceptable), which will not expire prior to anticipated authorization of permit coverage, was submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. 102.6(a)(1) – The E&S Module was completed in ePermit as instructed in the Application Instructions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. 102.4(b)(5)(ix) – Details were provided for all E&S BMPs (can be provided on E&S Plan Drawings).	<input type="checkbox"/>	<input type="checkbox"/>	
b. 102.4(b)(5)(viii) – Standard E&S Worksheets from the E&S Manual (or their equivalent) were attached.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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"/>	CCD Application Manager Name	
<input type="checkbox"/>	<input type="checkbox"/>	CCD Professional Engineer (if CCD is PCSM Delegated)	
<input type="checkbox"/>	<input type="checkbox"/>	CCD Manager Name	
<input type="checkbox"/>	<input type="checkbox"/>	DEP Application Manager Name	
<input type="checkbox"/>	<input type="checkbox"/>	DEP Permits Chief or Program Manager Name	

**Application Completeness Review Checklist (Continued)**

COMPLETENESS ITEM		TRUE	FALSE	N/A
4.	102.4(b)(5)(ix) – The 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. <sup>1</sup>	<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"/>
5.	102.6(a)(1) – The PCSM/SR Module was completed in ePermit as instructed in the Application Instructions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a.	102.8(n) – The project qualifies as a Site Restoration Project. <sup>2</sup>	<input type="checkbox"/>	<input type="checkbox"/>	
b.	102.8(g)(1) – A pre-development site characterization was provided (i.e., soils and geotechnical testing results and narrative of methods and results).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	102.8(g)(1) – Soil/geologic test results were attached.	<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. <sup>3</sup>	<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 were answered and information provided. <sup>3</sup>	<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. <sup>4</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g.	102.8(f)(8), 102.8(g)(3) & 102.8(g)(4) – Stormwater Analysis – Peak Rate questions were answered and information provided. <sup>4</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Application Completeness Review Checklist (Continued)

COMPLETENESS ITEM		TRUE	FALSE	N/A
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"/>
i.	102.11(b) – If Managed Release Concept (MRC) BMPs were proposed, MRC Design Summary Sheets were provided for each BMP and were sealed by a professional engineer.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	102.8(f)(9) – The PCSM Plan Drawing(s) were submitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a.	102.8(f)(1) – The Drawing(s) include existing and proposed topography with appropriate contour labels.	<input type="checkbox"/>	<input type="checkbox"/>	
b.	102.8(f)(3) – The Drawing(s) include the project site boundary.	<input type="checkbox"/>	<input type="checkbox"/>	
c.	102.8(f)(3) – The Drawing(s) include the limit of earth disturbance within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	
d.	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"/>	
e.	102.8(f)(9) – The Drawing(s) identify all discharge points.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	102.8(f)(6) – The Drawing(s) show the location of all BMPs with identifiers cross-referenced to the PCSM/SR Module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g.	102.8(f)(9) – Details were provided for all PCSM BMPs (required for any PCSM BMP identified in the PCSM/SR Module).	<input type="checkbox"/>	<input type="checkbox"/>	
h.	102.8(f)(3) – The Drawing(s) show existing and proposed utilities and site improvements.	<input type="checkbox"/>	<input type="checkbox"/>	
i.	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"/>
j.	102.8(f)(3) – The Drawing(s) show proposed off-site support activities, if applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k.	102.8(f)(15) – The Drawing(s) show the Avoidance Measures specified on the signed PNDI receipt, if applicable. <sup>1</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l.	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"/>
m.	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"/>
n.	102.8(g)(1) – The Drawing(s) show the location of test pits used for infiltration.	<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 6.c– 6.i may be omitted.
- 3** The response to either Question 6.d or 6.e must be TRUE for the project to be deemed complete.
- 4** The response to either Question 6.f or 6.g must be TRUE for the project to be deemed complete.



**Application Manager's Completeness Review Comments:**

**E&S Technical Review Checklist <sup>1, 2</sup>**

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 <a href="#">Approved Alternative E&amp;S BMP List</a> .	<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 applications or for amendment applications where there is no new earth disturbance.

**Application Manager's E&S Technical Review Comments:**

**PCSM Technical Review Checklist <sup>1,2</sup>**

TECHNICAL REVIEW ITEM	TRUE	FALSE	N/A
1. The CCD is not PCSM delegated. <sup>3</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. 102.11(a)(2) – PCSM BMPs have been designed in accordance with the BMP Manual.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. 102.11(b) – Where PCSM BMPs have been designed with a deviation from the BMP Manual, they were found to be consistent with 25 Pa. Code § 102.11(b).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. 102.11(b) – Alternative PCSM BMPs are consistent with the <a href="#">Approved Alternative PCSM BMP List</a> .	<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"/>	<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 (see E&S Module).	<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 (see E&S Module).	<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 (see E&S Module).	<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 (see PCSM/SR Module).	<input type="checkbox"/>	<input type="checkbox"/>	
10. 102.8(f)(5) – The locations of surface waters and their classifications under Chapter 93 have been identified on PCSM Plan Drawing(s) and in the Application.	<input type="checkbox"/>	<input type="checkbox"/>	
11. 102.8(f)(6) – All PCSM BMPs have been identified in PCSM/SR Module 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) (see E&S Module, for stabilization only).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. 102.8(f)(7) – A sequence of PCSM BMP implementation in relation to earth disturbance activities and a schedule of inspections for critical stages of BMP implementation were provided (see PCSM Module).	<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 (see PCSM Module) and is consistent with the Stormwater BMP Manual or is otherwise technically sound.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. 102.8(f)(11) – Procedures ensuring proper measures for recycling or disposal of materials associated with or from PCSM BMPs were provided (PCSM Plan Drawings or PCSM/SR Module).	<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 (see PCSM/SR Module).	<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 (see PCSM/SR Module).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**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.	<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. <sup>4</sup>	<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. <sup>4</sup>	<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. <sup>5</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
34.	102.8(g)(3) – Rate requirements contained in an approved and current Act 167 Plan were used, and the Application Manager has confirmed that 1) the Act 167 Plan was approved within the past five years, and 2) the standard from the Plan was applied appropriately. <sup>5</sup>	<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. <sup>5</sup>	<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"/>

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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"/>
39.	102.14(d)(1), 102.14(f)(2) & 102.14(f)(3) – If Riparian Buffer Module is completed, the project qualifies for an exception or is an allowed or allowable activity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
40.	102.14(b) – If Riparian Buffer Module is completed and a riparian forest buffer will be implemented, the riparian forest buffer meets the criteria in 25 Pa. Code § 102.14(b).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
41.	Act 162 – If Riparian Buffer Module is completed, and an equivalency demonstration has been done, the equivalency demonstration is consistent with DEP guidance, and worksheets 12 and 13 from the BMP Manual and worksheets 14 and 15 from the Equivalency Demonstration (310-2135-002) guidance have been completed and are technically sound.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
42.	Act 162 – If Riparian Buffer Module is completed, and offsetting is proposed, the offset riparian forest buffer is in the same drainage list as the project site riparian forest buffer, authorization for use of the offset site has been attached, and the offset buffer meets the criteria in 25 Pa. Code § 102.14(b).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Footnotes:

- 1 An answer of FALSE to any 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 Applications or for amendment Application where there is no new earth disturbance.
- 3 If Question 1 is TRUE, DEP will complete the PCSM Technical Review Checklist.
- 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. <sup>1</sup>
- 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. <sup>1</sup>

Footnotes:

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

**Site-Specific Special Conditions and Rationale:**

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**Public Comments:**

- Comments were received from the applicant during the comment period and are addressed in the final permit cover letter or application denial letter.
- Public comments were received during the comment period and were considered in making a final decision on the application.
- A public hearing was held due to significant interest. Date of hearing: \_\_\_\_\_
- A comment-response document has been developed to address comments/testimony received from the public.
- No public comments were received during the review of the application.

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**Version History**

<b>Date</b>	<b>Version</b>	<b>Revision Reason</b>
3/9/2023	1.3	Updated Sections IV, VI and VII to clarify <i>Pennsylvania Bulletin</i> notice requirements for tentative determinations and final actions; updated Section IV to address circumstances in which a draft permit and technical deficiency letter may be issued simultaneously; and clarified in Section IV that if an applicant does not reply to a technical deficiency letter the application will be considered withdrawn.
10/20/2021	1.2	Updated Signatures on ePermit Fact Sheet
4/28/2021	1.1	Incorporated Section Chief Final Recommendation Task in the process.
4/19/2021	1.0	Original