

Standard Operating Procedure (SOP)¹
Review of PAG-02 General NPDES Permit NOIs
Stormwater Discharges Associated with Construction Activities
SOP No. BCW-102-002
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Version 1.6

INTRODUCTION

This SOP describes the procedures by which the Department of Environmental Protection (DEP) and delegated county conservation districts (CCDs) will process Notices of Intent (NOIs) for PAG-02 General NPDES Permit coverage for Discharges of Stormwater Associated with Construction Activities. The eFACTS authorization type covered by this SOP is “NSC2” and the application types covered by this SOP include “NEW”, “AMEN” (amendment), “REN” (renewal), and “TRAN” (transfer).

It is anticipated that CCDs will be the permitting authority for most PAG-02 authorizations. However, DEP will also receive and review PAG-02 NOIs for projects in counties without a delegated CCD. The term, “DEP/CCD” is used in this SOP to represent the applicable permitting authority.

Under the Governor’s Executive Order 2023-07 (Building Efficiency in the Commonwealth’s Permitting, Licensing, and Certification Processes), DEP has 81 business days to take a final action on PAG-02 NOIs for new, renewed, and amended coverage. Failure to take action within this period of time may result in a refund in fees (“PAYback”) if DEP is the recipient of the NOI. PAYback does not apply to PAG-02 NOIs received by CCDs.

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 PAG-02 General Permit coverage with other permits.

DETAILS / PROCEDURES / STEPS

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

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

NOTE 1 – If a CCD has an expedited review process, the CCD may require a Pre-Application Meeting(s) as part of their expedited review process.

¹ **DISCLAIMER:** The process and procedures outlined in this SOP are intended to supplement existing requirements. Nothing in the SOP shall affect regulatory requirements. The process, procedures and interpretations herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in this SOP that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

- A. If an applicant would like to request a Pre-Application Meeting, they should contact DEP/CCD to schedule a Pre-Application Meeting (either an in-person meeting or a conference call, as determined by DEP/CCD). The request should be accompanied by a completed [Chapter 102 Pre-Application Meeting Request Form](#) (DEP Document No. 3800-FM-BCW271e). If a CCD is the permitting authority and believes that there will be unique or challenging circumstances for the NOI review, the CCD will invite appropriate DEP staff.
- B. During the Pre-Application Meeting, DEP/CCD staff will identify any additional DEP permits potentially required for the project² and provide an explanation of the PAYback review timelines, if applicable. 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](#) or equivalent. Alternatively, DEP/CCD staff may request that the applicant's consultant record the notes. At the conclusion of the Pre-Application Meeting, the staff that took notes will provide (in person or by email) a copy of the notes to all other meeting participants.
- D. If known at the time, the Application Manager for DEP/CCD (i.e., the lead reviewer of the NOI when it is submitted) for the NOI should be identified to the applicant.

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

Upon receipt of a PAG-02 NOI, DEP/CCD administrative staff and management will implement the following steps as soon as possible but no longer than five (5) business days of the receipt of the NOI:

- A. DEP/CCD administrative staff will date stamp the NOI (and all other accompanying information) with the date received and record the date received in the "DEP/CCD Use Only" box on the first page of the NOI, if the NOI is submitted on paper.
- B. DEP/CCD administrative staff will assign an NPDES Permit Identification (ID) Number in accordance with the [SOP for Chapter 102 Permit Numbering](#) and record the Permit ID number in the "DEP/CCD Use Only" box on the first page of the NOI.
- C. Process Fees.
 1. DEP/CCD administrative staff will ensure the following fees have been submitted with the PAG-02 NOI:
 - a. The Administrative Filing Fee of \$500, made payable to the Conservation District Clean Water Fund or, where DEP is the initial recipient of the NOI, made payable to the Commonwealth of Pennsylvania Clean Water Fund.
 - b. The Disturbed Acreage Fee of \$100 multiplied by the Total Earth Disturbance Area (rounded to the nearest acre). Where a CCD is the initial recipient of an NOI, the Disturbed Acreage Fee will be transmitted to the DEP regional office for deposit into the Commonwealth of Pennsylvania Clean Water Fund.
 - c. Where applicable, CCD-specific review fees.
 2. DEP/CCD administrative staff will follow the procedures in DEP's [Management Directive OAM-1000-002](#) for the under or over-payment of fees.

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



- a. If the applicant failed to submit fees or submitted fees that were incorrect, staff will send an email to the applicant and consultant requesting submission of the proper fees as soon as possible. The NOI will not be considered for completeness until the proper fees have been submitted. If the applicant does not submit the proper fees within 60 days following receipt of the NOI, the NOI will be considered withdrawn in accordance with [Section III.F](#), below.
- b. If the applicant submitted fees in excess of required fees, the check(s) should be voided and a new check(s) with the correct amount requested from the applicant.

NOTE 2 – If proper fees were submitted they must be deposited immediately (i.e., within two weeks) and fees should not be held until after the Completeness Review has been performed.

NOTE 3 – The United States Environmental Protection Agency (EPA), PennDOT, the Pennsylvania Turnpike Commission, DEP, the Department of Conservation and Natural Resources (DCNR), and the Pennsylvania Fish and Boat Commission are exempt from Chapter 102 NPDES fees. If any other entity claims an exemption, request assistance from the DEP regional office or DEP’s Bureau of Clean Water.

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

NOTE 5 – 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 does not affect the processing of the NOI by the DEP office.

NOTE 6 – Fees (including CCD-specific fees) must be resolved prior to considering an NOI for completeness (Section III).

NOTE 7 – The Administrative Filing Fee paid to CCDs and all CCD-specific fees are not subject to PAYback refund guidelines. Administrative Filing Fees and Disturbed Acreage Fees paid to DEP for NOIs submitted in counties without a delegated CCD are subject to PAYback refund guidelines.

D. Preliminary Data Management.

1. If a CCD is the permitting authority, CCD administrative staff will record basic information on the NOI into an electronic data system (i.e., database, spreadsheet, or other system in which this information can be retrieved for review by staff or other parties). The minimum information that will be recorded includes applicant name, applicant address, project (site) name, NPDES Permit ID No., municipality, fees collected and date the NOI was received.
2. If DEP is the permitting authority, DEP administrative staff will record the receipt of the NOI in eFACTS; the following steps will be taken:
 - a. Create or update a site, client and client-site relationship for the project in eFACTS, as necessary.
 - b. 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 NOI (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.
 - 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 NOI was received by DEP (“Recvd”), and by selecting the client, site, authorization type (“NSC2”), application type, and lead reviewer (if known at this stage, otherwise select the Permits Chief).

- NOTE 8** – When DEP is the initial recipient of an NOI, the Received Date entered into eFACTS should be the date the NOI is received by DEP. When the CCD is the initial recipient of an NOI, the Received Date should be the date DEP receives the NOI to participate in the review, if applicable.
- d. Select the Master Auth ID (for renewals and amendments) or create the Master Auth (for new NOIs), as appropriate.
 - e. Enter the total amount received in Administrative and Disturbed Acreage Fees in the Fee Payment screen against the account created for the client. If the CCD has deposited the Administrative Fee, then only report the Disturbed Acreage Fee received.
 - f. Enter consultant information. If a consultant is identified on the NOI, select the appropriate client or otherwise create the consultant as a client on the Application Screen.
- E. DEP/CCD administrative staff will provide the NOI to the CCD manager (or assistant manager or supervisor as designated by the manager) (where a CCD is the permitting authority) or the DEP Permits Chief (where DEP is the permitting authority). The CCD manager or DEP Permits Chief will assign an Application Manager to the NOI, unless this has been done previously, and provide the NOI to the Application Manager.

III. Completeness Review (Application Manager)

When the Application Manager receives the NOI from the CCD Manager or Permits Chief, the Application Manager will, within 10 (for DEP) or 15 (for CCDs) business days from DEP/CCD's completion of Step II, review the NOI for eligibility, completeness and overall technical adequacy, as follows.

A. Eligibility Review.

1. The Application Manager will review the NOI (3800-PM-BCW0405b for new NOIs and 3800-PM-BCW0405h for renewal NOIs) to verify that there are no answers of "FALSE" in the Eligibility Information Section of the NOI.
2. Verification Measures – At a minimum, the Application Manager will take the following measures to verify the accuracy of the answers provided by the applicant in the Eligibility Information Section:
 - a. Special Protection Waters.
 - (i) The Application Manager will review [DEP's Existing Use list](#) to determine if stormwater discharges from the project site will enter surface waters classified for an existing use of High Quality Waters (HQ) or Exceptional Value Waters (EV). If the surface waters are on this list, the Application Manager will proceed to [Section III.C](#).
 - (ii) If the surface waters are not on the Existing Use list, the Application Manager will review the appropriate drainage list in [25 Pa. Code § 93.9](#) to determine the designated use of the surface waters. [DEP's eMapPA](#) may also be used. If the surface waters have a designated use of HQ or EV, the Application Manager will proceed to [Section III.C](#) (otherwise proceed to [Section III.A.2.b](#)).
 - (iii) If the project site discharges or plans to discharge to wetlands, the Application Manager will verify that the wetlands are not considered EV wetlands under [25 Pa. Code § 105.17](#). The Application Manager will check the [Pennsylvania Fish and Boat Commission's website](#), Wild Trout Waters (Natural Reproduction) list. If the wetlands are within the floodplain of waters identified on this list or tributaries thereto, the Application Manager will proceed to [Section III.C](#) (otherwise proceed to [Section III.A.2.b](#)). The Application Manager will also verify that the wetlands are not within the corridor of a watercourse or body of water that has been designated as a National wild or scenic river (check the [National Wild and Scenic Rivers System website](#))



or designated as wild or scenic under the Pennsylvania Scenic Rivers Act. If the wetlands are within the corridor of a listed water, the Application Manager will proceed to [Section III.C](#) (otherwise proceed to [Section III.A.2.b](#)).

- b. Compliance History – In accordance with [25 Pa. Code § 92a.54\(e\)\(3\)](#), DEP/CCD must deny an NOI when an applicant has failed and continues to fail to comply or has shown a lack of ability or intention to comply with a regulation, permit, schedule of compliance or order issued by DEP/CCD. The Application Manager will, following consultation with and agreement by the DEP regional office and DEP’s Bureau of Clean Water, proceed to [Section III.C](#) if any of the following are true concerning compliance history (otherwise proceed to [Section III.B](#)):
- (i) The applicant(s) or one or more members, officers, or partners of the applicant are known to have engaged in reckless or deliberate conduct, resulting in an unauthorized discharge of pollutants to surface waters in the past five years, at one or more project sites in Pennsylvania.
 - (ii) The applicant(s) or one or more members, officers, or partners of the applicant have demonstrated a pattern of non-compliance with Chapter 102 regulatory requirements and/or the terms and conditions of a Chapter 102 permit.
 - (iii) The applicant(s) is presently in violation of a DEP-issued field order, administrative order, or Consent Order and Agreement at one or more project sites in Pennsylvania.

B. Completeness Review by NOI Type.

1. **New NOIs** – The Application Manager will document the completeness review of new NOIs using the [PAG-02 Fact Sheet template](#), which serves as the record of decision on the NOI. All required signatures must be obtained on the fact sheet prior to permit issuance. In addition to the fees identified in [Section II.C](#), the NOI form (3800-PM-BCW0405b) and NOI Checklist (3800-PM-BCW0405c) must be submitted. A complete and technically adequate PAG-02 NOI for a new project is characterized by a response of “TRUE” or “N/A” for all items in the NOI Completeness Review Checklist of the PAG-02 Fact Sheet.

NOTE 9 – Where a CCD is the permitting authority, the Application Manager will coordinate with the CCD Engineer (when the CCD is PCSM-delegated) or the DEP Permits Chief or Program Manager to evaluate the necessity of a technical review of the PCSM Plan when one or more of the following criteria are true:

- The impervious area will increase by 50 acres or more from pre-construction condition to post-construction condition.
- The impervious area will increase by 25 acres or more from pre-construction condition to post-construction condition and the receiving surface water is impaired for water / flow variability or flow modifications / alterations.
- The post-construction runoff volume for the 2-year/24-hour storm event exceeds 250,000 cubic feet (cf).
- The difference (post-construction minus pre-construction) in runoff volume for the 2-year/24-hour storm event exceeds 500% of the pre-construction runoff volume.

NOTE 10 – Projects that use floodplain restoration and gravity stormwater wells (e.g., EPA Class V Injection Wells) are not eligible for coverage under PAG-02. These projects will be reviewed by DEP’s Major Projects Permitting Division (MPPD) through an Individual NPDES Permit application.



2. **Renewal NOIs** – In addition to the fees identified in [Section II.C](#), a complete and technically adequate PAG-02 NOI for an existing permittee seeking renewal of PAG-02 coverage must include a complete renewal NOI (3800-PM-BCW0405h) and the NOI Checklist (3800-PM-BCW0405c).
 - a. If any changes to the E&S and/or PCSM Plans are proposed (as indicated by an answer of “Yes” to Question #17 of the General Information Section of the renewal NOI), the applicant must also submit the PAG-02 NOI for a Major or Minor Amendment (3800-PM-BCW0405b), with updated plans. If the NOI and plans have not been submitted, the renewal NOI should be considered incomplete (proceed to [Step III.F](#)).
 - b. The Application Manager will confirm that the Applicant Name identified in the General Information Section of the renewal NOI is the same as the permittee identified on page 1 of the latest approval of coverage; if it is not, a transfer application must be submitted and the renewal NOI should be considered incomplete (proceed to [Step III.F](#)).
 - c. The PAG-02 Fact Sheet is optional for renewal NOIs.
 - d. Renewal NOIs for all active projects with PAG-02 coverage are due by December 7, 2024. CCDs will attempt to review and take final action on renewal NOIs by the following dates (where applicable, DEP will review and take final action on renewal NOIs by the deadline established by PAYback):

Number of Renewal NOIs Received	Target Date
1 – 49	March 7, 2025
50 – 99	April 7, 2025
100 – 149	May 7, 2025
150 – 199	June 7, 2025
200 – 299	July 7, 2025
300 – 499	August 7, 2025
500+	September 7, 2025

NOTE 11 – With renewal NOI submissions, the permittee must demonstrate that they remain eligible for coverage under the PAG-02. For example, if the original authorization under PAG-02 was for discharges to a receiving surface water with a designated use of Cold Water Fishes (CWF), but DEP subsequently determined that the receiving surface water has an existing use of HQ-CWF, the activity would no longer be eligible for coverage under the PAG-02, and the permittee would have to submit an application for an Individual NPDES Permit. Upon issuance of the Individual NPDES Permit, the previous coverage under the PAG-02 would be terminated. While a Notice of Termination is not required to be submitted, PAG-02 coverage must still be terminated in ICIS. Instructions on how to terminate in ICIS are included in the [SOP for Entry of Chapter 102 NPDES Data into EPA's ICIS](#).

3. **Amendment NOIs** – In addition to the fees identified in [Section II.C](#), the contents of a complete and technically adequate PAG-02 NOI for an existing permittee seeking a Major or Minor Amendment must include 1) a complete NOI (3800-PM-BCW0405b) with any change to the original information presented in bold or highlighted text, 2) the NOI Checklist, and 3) other information to be determined by DEP/CCD in consultation with the permittee and following the guidelines in DEP's [Frequently Asked Questions \(FAQ\) for Chapter 102 Permit Amendments](#). The Administrative Filing Fee (\$500) is required for Major Amendments (but not Minor Amendments). The PAG-02 Fact Sheet is optional for amendment NOIs (but recommended for Major Amendments when there is public interest).

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

4. **Transfer Applications** – The contents of a complete and technically adequate permit transfer must include 1) a complete transfer application (3800-PM-BCW0041b) and associated checklist, and 2) New Property Owner Notification Form(s) (3800-PM-BCW0271i) if the project site contains or will contain post-construction stormwater management (PCSM) stormwater control measures (SCMs). Existing permittees that only require a name change may use the abbreviated Application for NPDES or WQM Permittee Name Change (3800-PM-BCW0021b) and would not require New Property Owner Notification Forms. Transfer applications are required to be reviewed and processed within 24 business days.

NOTE 13 – Partial permit transfers are not acceptable; the transfer must include the entire project. If a permittee is seeking to change permit coverage due to lots being sold, the new lot owners may seek their own permit coverage. In that event, the current permittee can then apply for an amendment to remove those lots from their permit.

If the Application Manager has questions concerning eligibility for PAG-02, the Application Manager should communicate with the DEP regional office (where a CCD is the permitting authority) or applicant to obtain clarification as necessary and/or issue an [Incompleteness Letter \(13\)](#) as described in [Section III.F](#), below.

C. Determination – Project is Ineligible for PAG-02.

1. If the applicant's project is determined to be ineligible for PAG-02 coverage, and the NOI is for a new project, the Application Manager will prepare and send the [General Permit Ineligibility letter \(12\)](#) (ineligibility letter), signed by the CCD Manager or DEP Program Manager/Permits Chief, along with one copy of the NOI package. The letter will identify specifically why stormwater discharges associated with the project are ineligible for coverage under PAG-02, with regulatory citations under [25 Pa. Code Chapter 92a](#), as applicable, and provide the applicant with options to 1) submit a new NOI for coverage under PAG-02 if the issue causing ineligibility can be resolved; or 2) submit an application an Individual NPDES Permit.
2. If the NOI is for renewal of existing coverage, the ineligibility letter will 1) identify the reasons for ineligibility; 2) specify that the applicant must submit an Individual NPDES Permit Application within 90 days; and 3) explain that failure to submit the application will result in automatic termination of coverage (i.e., NPDES permit coverage will terminate on the 91st day regardless of whether a Notice of Termination (NOT) was submitted).
3. If the NOI is for an amendment to existing coverage, the ineligibility letter will 1) identify the reasons for ineligibility and 2) specify that the applicant must submit an Individual NPDES Permit Application to cover the entire project site if the applicant wishes to proceed with the changes to earth disturbance activities that triggered the need for an amendment, otherwise earth disturbance activities previously authorized may continue.

NOTE 14 – When the ineligibility is related to not proposing use of non-discharge alternatives or ABACT BMPs as required by PAG-02 for discharges to impaired waters, the Application Manager, at their discretion, can contact the applicant and try to address the ineligibility issue in accordance with Section III.E. If a sufficient response is not received within two (2) business days to correct the ineligibility, the Application Manager will proceed to return the NOI due to ineligibility.

4. The Application Manager will check the appropriate box for “Return” and record the date the ineligibility letter is sent by DEP/CCD in “DEP/CCD Use Only” box on page 1 of the NOI, if the NOI was submitted on paper. Page 1 of the NOI should be included with the ineligibility letter.
5. Where a CCD is the permitting authority, the CCD will update a record of the NOI in an electronic system to include the date the NOI was returned.

6. Where DEP is the permitting authority, DEP administrative staff will dispose the authorization in eFACTS by:
 - a. Closing out the “COMPL” (Completeness Review) task and subtask using a Begin Date of when the NOI was received and the End Date as the date of the ineligibility letter.
 - b. The NOI will be disposed of by selecting “Returned” for the disposition code and entering the date of the ineligibility letter in the field for date disposed.
7. The permitting authority will retain one copy of the NOI package and the ineligibility letter in its official files for a period no less than 90 days. After 90 days, the file may be purged with only the ineligibility letter retained in accordance with DEP’s record retention schedule for Chapter 102 permits.

NOTE 15 – If an NOI is returned, no *Pennsylvania Bulletin* notice is required.

NOTE 16 – If an NOI is returned, the Administrative Filing Fee (\$500) and Disturbed Acreage Fee will not be refunded. However, the Disturbed Acreage Fee does not have to be repaid upon submission of a new NOI or application for the exact same project (whether or not it is the same applicant). Proof of prior payment must be provided by the applicant when requested. A new Administrative Filing Fee (\$500 or \$1,500) must however be paid for a new NOI or application.

D. Determination – Project is Eligible and NOI is Complete.

If none of the criteria in the PAG-02 Fact Sheet (NOI Completeness Review Checklist) are found to be deficient or technically inadequate, and the applicant’s project is eligible for PAG-02 coverage, the Application Manager or DEP/CCD administrative staff will complete the steps below and proceed to [Section IV](#).

1. Check the boxes next to “Project Eligible” and “NOI Complete” in the “DEP/CCD Use Only” box on page 1 of the NOI, if the NOI was submitted on paper.
2. Enter the date the NOI was determined to be complete in the “DEP/CCD Use Only” box on page 1 of the NOI, if the NOI was submitted on paper.
3. Where a CCD is the permitting authority, the CCD will update a record of the NOI in an electronic system to include the date the NOI was determined to be complete.
4. Where DEP is the permitting authority, the Application Manager will update eFACTS as follows:
 - a. Close out the “COMPL” (Completeness Review) task and subtask using a Begin Date of when the NOI was received and the End Date as the date the NOI was deemed to be complete.
 - b. Enter the Begin Date of the “TECH” (Technical Review) task as the date the NOI was deemed to be complete.
 - c. Enter the Begin Date of the “DR” (Decision Review) and “ER” (Engineering Review) subtasks as the date the NOI was deemed to be complete and the Due Date as the end of the 10-business day completeness review period.

At the discretion of the Application Manager, the Application Manager or DEP/CCD administrative staff may prepare and send a [Completeness Notification Letter \(04\)](#) to the applicant or otherwise transmit a notification email to the applicant.

E. Determination – Project is Eligible and NOI Contains Minor Deficiencies.



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

NOTE 17 – The Application Manager should attempt to communicate with the applicant directly. Where this fails, the Application Manager may attempt to communicate with the consultant, if any. This contact can include an email to the applicant, with the consultant copied, which identifies the deficiencies and the deadline to respond.

- a. Where a CCD is the permitting authority, the CCD will update a record of the NOI in an electronic system to include the date of the contact with either the applicant or their consultant.
 - b. Where DEP is the permitting authority, the Application Manager will enter the subtask "PPC" (Participate in Phone Call) into eFACTS to identify the phone call. The Begin Date will be the date of the phone call and the Due Date will be the date that the information is to be submitted. The End Date will either be the date the response is received or the date of the Incompleteness Letter (13) (as described in [Section III.F](#)).
2. A phone log will be kept that details the name of the person contacted, the day and time of the conversation, and notes for all communications regarding the NOI review. All phone logs will be retained with the application file during and following final action on the NOI, or otherwise a database or spreadsheet will be used and made accessible to allow others to check latest correspondence for a case if the Application Manager is out of the office.
 3. In the event the Application Manager is unable to contact the applicant or consultant by phone after two attempts, or if a phone message is not returned after two business days, the Application Manager will proceed to [Section III.F](#).
 4. After the necessary materials have been received (receipt by email or fax is acceptable except when original signatures, plans or seals are needed), and assuming the NOI can then be considered complete, the Application Manager will follow the steps in [Section III.D](#), above.
 5. If a submission is not received or if a submission is received but does not correct the original minor deficiencies, the Application Manager will proceed to [Section III.F](#).

F. Determination – Project is Eligible and NOI is Incomplete.

1. If the NOI is incomplete or if the applicant does not respond to or correct minor deficiencies, the Application Manager will officially deem the NOI to be incomplete. The Application Manager will prepare and send an Incompleteness Letter (13), which will be reviewed and signed by the CCD Manager or DEP Program Manager/Permits Chief.

NOTE 18 – Only one (1) incompleteness letter will be sent by the Application Manager.

- a. The incompleteness letter will cite the statutory or regulatory requirement(s) that were not met.
- b. Where a CCD is the permitting authority, the CCD will update a record of the NOI in an electronic system to include the date the incompleteness letter is transmitted.
- c. Where DEP is the permitting authority, the Application Manager will update eFACTS as follows:



- i. Enter the “COMPL” (Completeness Review) task and subtask using a Begin Date of when the NOI was received and the Due Date of 10 business days from the date of receipt.
 - ii. Enter the “SDN” (Send Deficiency Notice/Receive Response) subtask, with the Begin Date of the date of the incompleteness letter and the Due Date will be the date that the response to the letter is to be submitted. The End Date will either be the date the response is received or the date of the withdrawal.
- d. The applicant will be given 60 calendar days to respond. This 60 calendar-day period is referred to as the deficiency correction period. If the applicant does not respond within the 60 calendar days, DEP/CCD will consider the NOI to be withdrawn by the applicant (per [25 Pa. Code § 102.6\(c\)\(2\)](#)).
- e. The applicant may request, in writing, an extension of time to respond beyond the 60 calendar days. The request, which should be submitted prior to the end of the deficiency correction period, must identify the additional amount of time to respond and the justification/reason for the extension. If a request is submitted, the Application Manager will coordinate with the DEP Program Manager/Permits Chief to decide whether to grant the extension. The Application Manager will prepare and send the [Extension Request Letter \(11\)](#). 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 19 – In order for the extension request to be considered, the justification must relate to the completeness deficiencies identified and not related to revisions to the plan/project from another approving agency (e.g., municipality, PennDOT, etc.). If the extension request is related to another approving agency’s comments, the request will not be granted and the applicant should consider withdrawing their NOI.

- i. Where a CCD is the permitting authority, the CCD will update a record of the NOI in an electronic system to include the date of the extension request letter, whether the extension was granted or not, and the new date of when the response is due.
 - ii. Where DEP is the permitting authority, create the “SREL” (Send Review Extension Ltr) subtask in eFACTS. The Begin Date will be the date of the requested extension, the Due Date will be the date the response is due and the End Date will be the date of extension request letter. A comment will be added to the “SREL” subtask identifying if the requested was granted or not. If the request is granted, the “SDN” Due Date will be updated to the new due date of the response.
2. Submissions in response to an incompleteness letter should be reviewed within 15 business days, with the exception of transfers which should be reviewed as soon as possible. If a submission is received (receipt by email or fax is acceptable except when original signatures, plans or seals are needed) within the deficiency correction period that corrects the deficiencies, the Application Manager will consider the NOI complete and follow the steps in [Section III.D](#), above. In addition, the Application Manager will record the date the response submission was received in the Date Resubmission Received field within the “DEP/CCD Use Only” box on page 1 of the NOI, if the NOI was submitted on paper.
3. If no submission is received by the end of the deficiency correction period, or if the applicant voluntarily elects to withdraw the NOI in writing, the Application Manager will prepare and send the [Deemed Withdrawn Letter \(05\)](#) or the [Voluntary Withdrawal Letter \(33\)](#) (withdrawal letter), which will be reviewed and signed by the CCD Manager or DEP Program Manager/Permits Chief. The Application Manager will check the appropriate box for “Withdrawal” and identify the date of the withdrawal letter in the “DEP/CCD Use Only” box on page 1 of the NOI, if the NOI was submitted on paper.
- a. The DEP/CCD Application Manager will indicate that the NOI was withdrawn in the PAG-02 Fact Sheet (no signatures needed).



- b. Where a CCD is the permitting authority, the CCD will update a record of the NOI in an electronic system to include the date the withdrawal letter is transmitted.
- c. Where DEP is the permitting authority, DEP administrative staff will close the “COMPL” task and subtask by entering the End Date as the date the deficiency correction period ended, dispose the authorization in eFACTS by selecting “Withdrawn” for the disposition code, and enter the date of the withdrawal letter in the field for date disposed.
- d. DEP/CCD will retain one copy of the NOI package and the withdrawal letter in its official files for a period no less than 90 days. After the 90 days, the file may be purged with only the withdrawal letter retained.

NOTE 20 – If an NOI is withdrawn, no *Pennsylvania Bulletin* notice is required.

NOTE 21 – If an NOI is withdrawn, the Administrative Filing Fee (\$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 NOI or application for the exact same project (whether or not it is the same applicant). Proof of prior payment must be provided by the applicant when requested. A new Administrative Filing Fee (\$500 or \$1,500) must however be paid for a new NOI or application.

4. If a submission is received by the end of the deficiency correction period that does not correct the deficiencies, the Application Manager will prepare and send the [Denial for Incomplete Application Letter \(06\)](#) (denial letter) after the end of the deficiency correction period, which will be signed by the CCD Manager or DEP Program Manager. The Application Manager will check the appropriate box for “Denied” and record the date of the denial letter in the “DEP/CCD Use Only” box on page 1 of the NOI, if the NOI was submitted on paper.

NOTE 22 – DEP/CCD staff do not need to notify the applicant of the information that remains incomplete prior to issuance of the denial letter. However, if there are only minor deficiencies, as described above, the Application Manager can proceed as described in [Section III.E](#) above to try and resolve the minor deficiencies.

- a. The CCD Manager or DEP Program Manager/Permits Chief will sign the PAG-02 Fact Sheet.
- b. Where a CCD is the permitting authority, the CCD will update a record of the NOI in an electronic system to include the date the denial letter is transmitted and send a *Pennsylvania Bulletin* notice of the denial to the DEP regional office.
- c. Where DEP is the permitting authority, DEP administrative staff or the Application Manager will prepare a *Pennsylvania Bulletin* notice of the denial and update eFACTS as follows:
 - i. Complete the “COMPL” (Completeness Review) subtask, by entering the End Date as the date of the denial letter.
 - ii. Enter a “DENC” (Application Incomplete – Denied) subtask, with Begin, Due and End Dates as the date of the denial letter.
 - iii. Dispose the authorization in eFACTS by selecting “Denied” for the disposition code and enter the date of the denial letter in the field for date disposed.
- d. DEP/CCD will retain one copy of the NOI package and denial letter in its official files for a period no less than 90 days. After the 90 days, the file may be purged with only the denial letter retained.

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

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

IV. Technical Review (Application Manager)

After the NOI has been deemed complete (Section III.D), the Application Manager will conduct the First Technical Review in accordance with Section IV.A below. Technical Review of PAG-02 NOIs will be documented on the Fact Sheet.

NOTE 25 – DEP staff must use eFACTS subtasks to document the review process in detail once a Date Received is entered into eFACTS. Deficiency letters (“SDN”), Pending other agency comments/approvals (“PAC”), and others will stop the PAYback review clock until the subtasks are closed.

A. First Technical Review.

The review period objective for the First Technical Review is 22 business days.

1. New NOIs

- a. Erosion and Sediment Control (E&S) Plan Technical Review – Application Managers will conduct a technical review of all E&S Plans for new NOIs utilizing either the Standard E&S Control Plan Technical Review Checklist or the Expanded E&S Control Plan Technical Review Checklist (depending on the reviewer’s knowledge and experience) of the [Erosion and Sediment Pollution Control Program Manual](#) (E&S Manual). Documentation of the use of the checklist will be identified in the PAG-02 Fact Sheet and the completed checklist will be attached to the PAG-02 Fact Sheet.
- b. Post-Construction Stormwater Management (PCSM) Plan Technical Review (Delegated CCD or DEP) – Where DEP is the permitting authority and where a CCD is the permitting authority and is delegated to conduct technical reviews of PCSM Plans, the Application Manager will conduct a technical review of the PCSM Plan using the PCSM Plan Technical Review Checklist in the PAG-02 Fact Sheet.

Where the CCD is the permitting authority and is not PCSM delegated, the CCD Application Manager will consult with DEP when any of the scenarios identified in NOTE 9 are proposed.

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

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

B. Determination – The 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. Where a CCD is the permitting authority, the CCD will update a record of the NOI in an electronic system to include the date when the technical review was completed.

2. Where DEP is the permitting authority, the Application Manager will enter the End Date for the open “ER” (Engineering Review) subtask as the date that the first technical review was completed.

C. Determination – The application contains minor technical deficiencies.

1. 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 contact the applicant (or the applicant’s authorized representative) by phone to explain the technical deficiency and offer the opportunity to submit the necessary materials informally by the end of the second business day. The Application Manager may or may not (at the Application Manager’s discretion) follow up the phone call with an email to the applicant and/or consultant.

NOTE 26 – The Application Manager should attempt to communicate with the applicant directly. Where this fails, the Application Manager may attempt to communicate with the consultant, if any. This contact can include an email to the applicant, with the consultant copied, which identifies the deficiencies and the deadline to respond.

- a. Where a CCD is the permitting authority, the CCD will update a record of the review in an electronic system to include the date of the contact with either the applicant or their consultant.
 - b. Where DEP is the permitting authority, the Application Manager will enter the subtask “PPC” (Participate in Phone Call) into eFACTS to identify the phone call. The Begin Date will be the date of the phone call and the Due Date will be the date that the information is to be submitted. The End Date will either be the date the response is received or the date of the technical deficiency letter (as described in [Section IV.D](#)).
2. A phone log will be kept that details the name of the person contacted, the day and time of the conversation, and notes for all communications regarding the technical review. All phone logs will be retained with the application file during and following final action on the NOI, or otherwise a database or spreadsheet will be used and made accessible to allow others to check latest correspondence for a case if the Application Manager is out of the office.
 3. In the event the Application Manager is unable to contact the applicant or consultant by phone after two attempts, or if a phone message is not returned after two business days, the Application Manager will proceed to [Section IV.D](#).
 4. After the necessary materials have been received (receipt by email or fax is acceptable except when original signatures, plans or seals are needed), and assuming the minor technical deficiencies have been addressed, the Application Manager will follow the steps in [Section IV.B](#), above.
 5. If a submission is not received or if a submission is received but does not correct the original minor technical deficiencies, the Application Manager will proceed to [Section IV.D](#).

D. Determination – The application contains technical deficiencies.

1. If the application, including E&S and 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 Technical Deficiency Letter (30), which will be signed by the CCD Manager or DEP Program Manager/Permits Chief.

NOTE 27 – Only one (1) technical deficiency letter will be sent by the Application Manager.

- a. The technical deficiency letter will cite the statutory or regulatory requirement(s) that were not met.
- b. Where a CCD is the permitting authority, the CCD will update a record of the NOI in an electronic system to include the date the technical deficiency letter is transmitted.



- c. Where DEP is the permitting authority, the Application Manager will enter the subtask “SDN” (Send Deficiency Notice/Receive Response) into eFACTS. The Begin Date will be the date of the technical deficiency letter and the Due Date will be the date that the response to the letter is to be submitted. The End Date will either be the date the response is received, the date of the withdrawal or the date the NOI enters the Elevated Review.
- d. The applicant will be given 30 calendar days to respond unless otherwise warranted based on consultation with the DEP Program Manager/Permits Chief. This 30 calendar-day period is referred to as the deficiency correction period. If the applicant does not respond within the deficiency correction period, the Application Manager will proceed to [Step IV.D.4](#), below.
- e. The applicant may request, in writing, to extend the time to respond beyond initial deficiency correction period. The request must identify the additional amount of time to respond and the justification/reason for the extension. If a request is submitted, the Application Manager will coordinate with the DEP Permits Chief or Program Manager to decide whether to grant the extension. The Application Manager will prepare and send the [Extension Request Letter \(11\)](#). 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 28 – In order for the extension request to be considered, the justification must relate to the technical deficiencies identified and not related to another approving agency (e.g., municipality, PennDOT, etc.). If the extension request is related to another approving agency’s comments, the request will not be granted and the applicant should consider withdrawing their NOI.

- i. Where a CCD is the permitting authority, update a record of the NOI in an electronic system to include the date of the extension request letter, whether the extension was granted or not, and the new date of when the response is due.
 - ii. Where DEP is the permitting authority, create the “SREL” (Send Review Extension Ltr) subtask in eFACTS. The Begin Date will be the of the requested extension, the Due Date will be the response date the response is due and the End Date will be the date of extension request letter. A comment will be added to the “SREL” subtask identifying if the requested was granted or not. If the request is granted, the “SDN” (Send Deficiency Notice/Receive Response) Due Date will be updated to the new due date of the response.
2. If a submission is received (receipt by email or fax is acceptable except when original signatures, plans or seals are needed) within the deficiency correction period the Application Manager will follow the steps in [Section IV.E](#), below.
 3. If the applicant voluntarily elects to withdraw the NOI in writing, the Application Manager will prepare and send the [Voluntary Withdrawal Letter \(33\)](#) (self-withdrawal letter), which will be signed by the CCD Manager or DEP Program Manager/Permits Chief.
 - a. Where a CCD is the permitting authority, the CCD will update a record of the NOI in an electronic system to include the date the withdrawal letter is transmitted.
 - b. Where DEP is the permitting authority, DEP administrative staff will close the “SDN” (Send Deficiency Notice/Receive Response) subtask by entering the End Date as the date the deficiency correction period ended, dispose the authorization in eFACTS by selecting “Withdrawn” for the disposition code, and enter the date of the withdrawal letter in the field for date disposed.
 - c. DEP/CCD will retain one copy of the NOI package and the withdrawal letter in its official files for a period no less than 90 days.

See **NOTES 20** and **21**.

4. If the applicant does not respond to the technical deficiency letter by the deadline provided, the Application Manager will consider the NOI to be withdrawn and will follow the steps in [paragraph D.3](#), above, except the [Deemed Withdrawn Letter \(05\)](#) will be sent.

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 17 business days from the date the submission is received.

1. If DEP is the permitting authority, the Application Manager will enter a new “ER” (Engineering Review) subtask, with the Begin Date of when the response submission was received and the Due Date will be 17 business days from the receipt of the response submission. The End Date will be when the second technical review has been completed.
2. The Application Manager will conduct a technical review of the revised application, including E&S and/or PCSM Plans, in accordance with [Section IV.A](#), above.
3. 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.
4. 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.
5. If the revised application, including E&S and/or PCSM Plans, contains technical deficiencies or if the applicant does not respond to or correct the minor technical deficiencies, the Application Manager will proceed to [Section V](#).
6. If the response to a technical deficiency letter 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 NOI), or results in new or relocated discharge points, the DEP/CCD Application Manager will do one of the following in consultation with the DEP Permits Chief:
 - 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 completeness review ([Section III](#)) or initial technical review phase ([Section IV.A](#)), depending on the nature of the changes.

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

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

- A. The Application Manager will coordinate with the DEP Program Manager by preparing and transmitting the [Notice of Elevated Review Memo \(21\)](#). The notice of elevated review memo will identify and continued or new technical deficiencies and will cite the statutory or regulatory requirement(s) that were not met.
- B. Where a CCD is the permitting authority, the CCD will update a record of the NOI in an electronic system to include the date when the notice of elevated review memo was sent to DEP.
- C. DEP/CCD staff will discuss and agree on next steps, which may include making a permit decision, scheduling a meeting or call with the applicant and their consultant, and/or providing an additional

opportunity to correct technical deficiencies through the transmission of a [Notification of Elevated Review Letter \(19\)](#).

1. If a permit decision will be made, the Application Manager will proceed to [Section VI](#).
 2. Otherwise, the DEP Application Manager will create an “ELEV” (Elevated Review) subtask in eFACTS. The Begin Date will be the date the application entered elevated review, the Due Date will be the date the response is due, and the End Date will be the date the submission response is received.
 - a. If a meeting will be held, the Application Manager will proceed to [Section V.D](#).
 - b. If a notification of elevated review letter will be sent without scheduling a meeting, the Application Manager will proceed to Section V.E.
- D. If a meeting will be held, the Application Manager will schedule the Elevated Review with the applicant and then send a [Notice of Elevated Review Meeting Letter \(20\)](#), signed by the CCD Manager or DEP Program Manager/Permits Chief, to the applicant as early as possible before the meeting.
1. The applicant and their consultant should review the notice of elevated review meeting letter and come to the meeting prepared to discuss resolution of the technical deficiencies. A response submission is not expected or encouraged for the meeting.
 2. The attendees at the meeting should include the DEP Program Manager, the Application Manager, the CCD Manager (if the CCD is the permitting authority), the applicant, and the applicant’s consultant, at a minimum.
 3. If the meeting results in an agreement to resolve the technical deficiencies, the applicant will be given 10 business days from the date of the meeting to provide a response. The DEP Regional Director may provide the applicant with up to an additional 10 business days to respond upon receipt of a written request from the applicant.
 4. If the meeting results in no agreement to resolve the technical deficiencies, DEP’s Regional Director will consult with the Bureau of Clean Water Director and, as necessary, the Deputy Secretaries of Water Programs and Field Operations, to arrive at a decision on the NOI. Once the decision is communicated to the Application Manager, the Application Manager will proceed to [Section VI](#) or otherwise conduct additional steps at the direction of DEP’s Program Manager.
- E. If a notification of elevated review letter will be sent, it will be signed by the CCD Manager or DEP Program Manager/Permits Chief.
1. The notification of elevated review letter will cite the statutory or regulatory requirement(s) that were not met.
 2. The applicant will be given 10 business days to respond. If the applicant does not respond within the 10 business days, the Application Manager will proceed to [Section VI](#). If the applicant responds within 10 business days, the Application Manager review the resubmission within 5 business days and then 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](#). Where DEP is the permitting authority, DEP staff will close the “ELEV” eFACTS subtask. The Application Manager will (in the “DEP/CCD Use Only” box on the first page of the NOI) identify the Date of Resubmission Received, if the NOI is submitted on paper.

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

A. Decision – Approve Coverage.

1. The Application Manager will prepare the [PAG-02 Authorization Letter \(28\)](#) and the PAG-02 Authorization to Discharge page. Both of these documents, along with the PAG-02 Fact Sheet, will be signed by the DEP/CCD Manager. The Application Manager or DEP/CCD administrative staff will transmit permit documentation through email in PDF format (if available) or mail as follows:
 - a. Permittee (if there is more than one permittee, each permittee will receive the information):
 - Original, signed **PAG-02 Authorization Letter (28)**;
 - Original, signed Authorization to Discharge page (page 1) and the complete PAG-02 General NPDES Permit (the Effective Date of Coverage will be the date of the PAG-02 Authorization Letter); and
 - If applicable, the [PA Stream Buffer Tracking Form](#).
 - b. Permittee's Consultant and Municipalities (if there is more than one municipality, each municipality will receive the information): Copy of the PAG-02 Authorization Letter and copy of the Authorization to Discharge page.
 - c. DEP Regional Office: Copy of the approved NOI, copy of the PAG-02 Authorization Letter, and copy of the Authorization to Discharge page (may be submitted electronically). In addition, the weekly permit activity report should be transmitted either with each permit or on a weekly basis.
 - d. DEP Bureau of Clean Water (via RA-102PermitForms@pa.gov): electronic copies of the approved NOI, the PAG-02 Authorization Letter, and the Authorization to Discharge page.
2. The Application Manager will record the Issuance Date, Coverage Effective Date and the Coverage Expiration Date in the "DEP/CCD Use Only" box on the first page of the NOI, if the NOI was submitted on paper. The Issuance Date and Coverage Effective Date will be the same for PAG-02 NOIs, which is the Effective Date of Coverage from the completed PAG-02 Authorization to Discharge page. The Coverage Expiration Date will be the expiration date of the PAG-02 Master Permit (December 7, 2029 for coverage approved after December 7, 2024).
3. If a CCD is the permitting authority, CCD administrative staff will:
 - a. Record the coverage approval date, effective date and expiration date into an electronic data system within 5 business days of the final action.
 - b. Prepare and transmit a notice of the approval for publication in the *Pennsylvania Bulletin* to DEP administrative staff within 5 business days of the final action.
 - c. Record the NOI approval in EPA's ICIS database within 15 business days of the final action.
4. If DEP is the permitting authority, DEP administrative staff will:
 - a. Close all tasks and subtasks in eFACTS using End Dates corresponding to the date of the final decision to approve coverage.
 - b. Dispose the authorization in eFACTS by entering the approval of coverage date in the "Date Disposed" and "Effective" fields and the expiration date of coverage in the "Expires" field, and selecting "ISSUE" for the disposition.
 - c. Record the NOI approval in EPA's ICIS database within 15 business days of the final action.

- d. Prepare notice of the approval for publication in the *Pennsylvania Bulletin*.
 5. The NOI file (including all supporting documentation such as the PAG-02 Fact Sheet) will be retained at the permitting authority's office in accordance with DEP's record retention schedule for Chapter 102 permits.
- B. Decision – Deny Coverage.
1. The Application Manager will prepare the [*Denial of NOI Letter \(07\)*](#). The letter will be sent to and signed by the DEP Program Manager. The letter will identify the statutory and regulatory requirement(s) that have not been met.
 2. The Application Manager will check the appropriate box for “Denial” and record the date of the denial letter in the “DEP/CCD Use Only” box on page 1 of the NOI, if the NOI was submitted on paper.
 3. Where a CCD is the permitting authority, the CCD will update a record of the NOI in an electronic system to include the date the denial letter is transmitted and send a *Pennsylvania Bulletin* notice of the denial to the DEP regional office.
 4. Where DEP is the permitting authority, DEP administrative staff or Application Manager will prepare a *Pennsylvania Bulletin* notice of the denial and update eFACTS as follows:
 - a. Close all open subtasks by entering the End Date as the date of the denial letter.
 - b. Enter a “DENT” (Application Technically Deficient – Denied) subtask, with Begin, Due and End Dates as the date of the denial letter.
 - c. Dispose the authorization in eFACTS by selecting “Denied” for the disposition code and enter the date of the denial letter in the field for date disposed.
 5. DEP/CCD will retain one copy of the NOI package and denial letter in its official files for a period no less than 90 days.
- See **NOTES 23** and **24**.

VERSION HISTORY

Date	Version	Description
6/11/2025	1.6	Clarification made to NOTE 9. Note – change from DEP's RPCO to DEP's Major Projects Permitting Division (MPPD) made on 1/30/2026.
10/30/2024	1.5	Updated for PAYback. Included new eligibility verification criteria and timeframes for processing PAG-02 renewal NOIs in Section III and other minor updates throughout.
1/4/2021	1.4	Updated Attachment B by adding item 6.i to the NOI Completeness Checklist relating to Managed Release Concept (MRC) BMPs.
4/27/2020	1.3	Updated Note 2 to clarify additional agencies that are exempt from Chapter 102 NPDES fees; added instructions for CCD Manager or DEP Program Manager/Permits Chief to sign fact sheets; updated Section VI.A.1.d to include Module 2 on submissions to the Bureau of Clean Water's resource account; and made minor updates to the fact sheet in Attachment B.
1/10/2020	1.2	Revised section references in Section V.C.2 and V.C.3. Updated Attachment B (Fact Sheet) to include regulatory citations for completeness review and technical review checklists.
12/16/2019	1.1	Clarified in Section III that the 15-business day completeness review period begins when Section (Step) II is completed; added Note 10 to clarify expectations for Compliance History section of application.
12/9/2019	1.0	Original