



# **Overview of RPCO 102/105 Permitting Process**

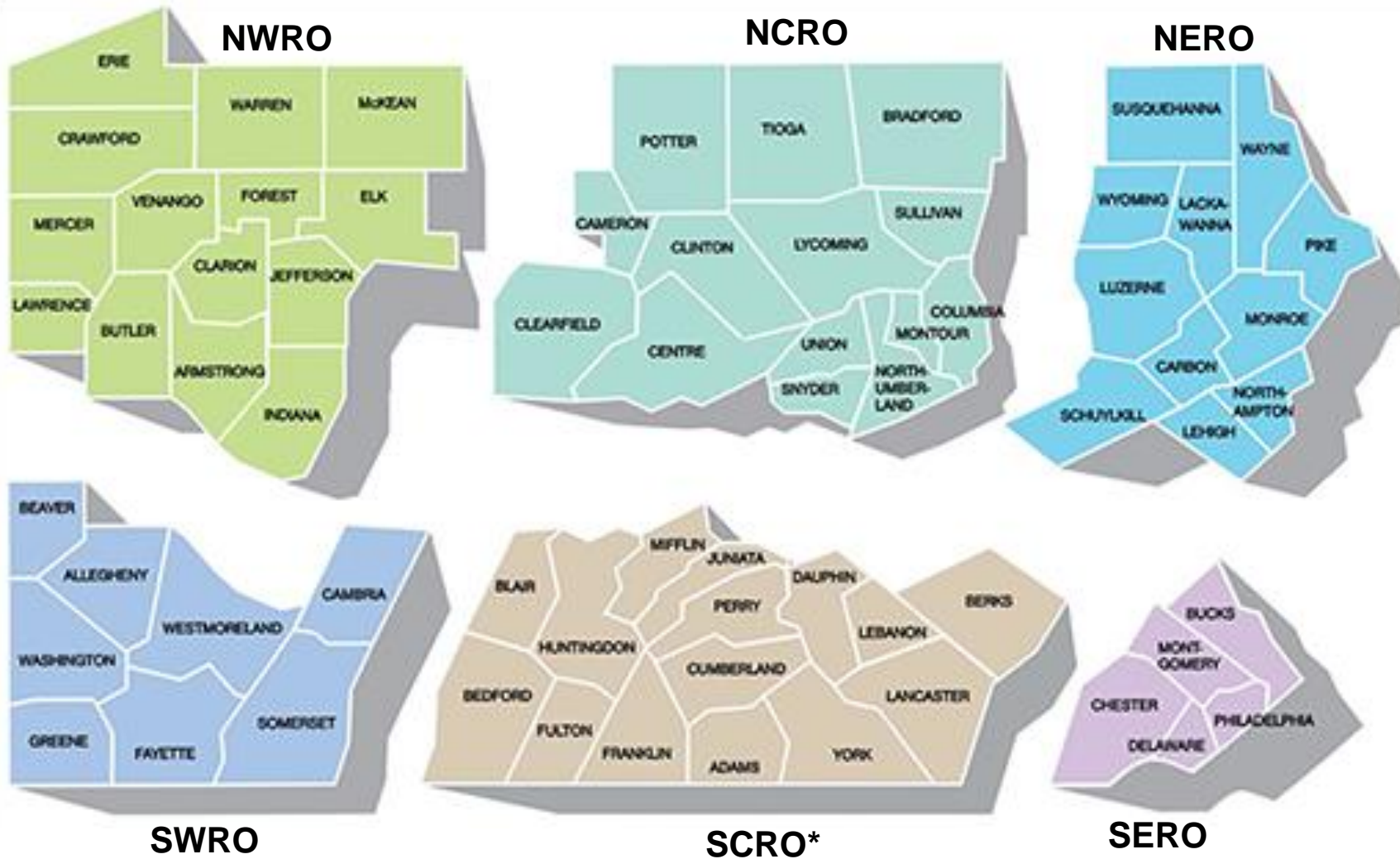
WCD 2022 Engineers Workshop

Pennsylvania Department of Environmental Protection

Regional Permit Coordination Office

March 2022

# Regional Permit Coordination Office (RPCO)



- **Mission** - A centralized office providing synchronized and consistent reviews and approvals for general to complex linear projects regulated under Chapter 102 and Chapter 105
- **Function** - RPCO functions in a structure similar to DEP's six Regional Offices

# Regional Permit Coordination Office (RPCO)

REGIONAL – Provide **technical support** on Ch. 102 and Ch. 105 permitting in conjunction with established bureau personnel

PERMIT – Conduct **reviews and decisions** related to permits for construction storm water discharges (Ch 102) and water obstruction and encroachments (Ch 105) for complex linear infrastructure projects

- Multi-county/multi-regional projects
- Projects requiring a Federal Energy Regulatory Commission (FERC) Certificate
- Projects with complex engineering/geologic considerations
- Transportation (PennDOT and Turnpike)

COORDINATION (Cross-program) – **Establishing consistency** with the various Departmental Programs which have authority to process Ch 102 and Ch 105 permits/authorizations

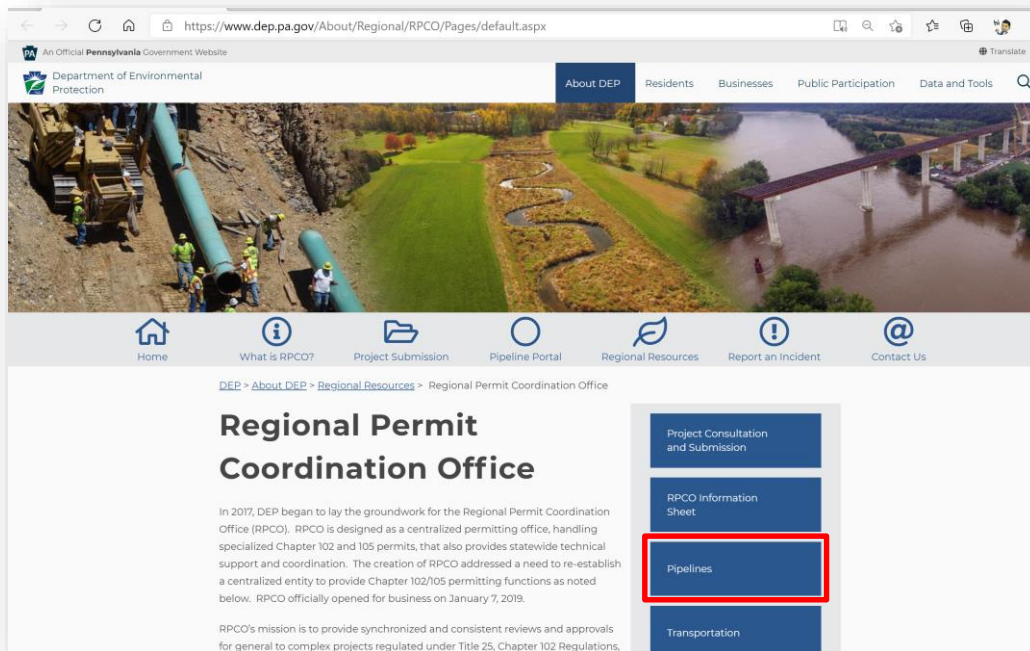
- Regional offices
- Oil and Gas, Dam Safety, Mining
- Conservation Districts





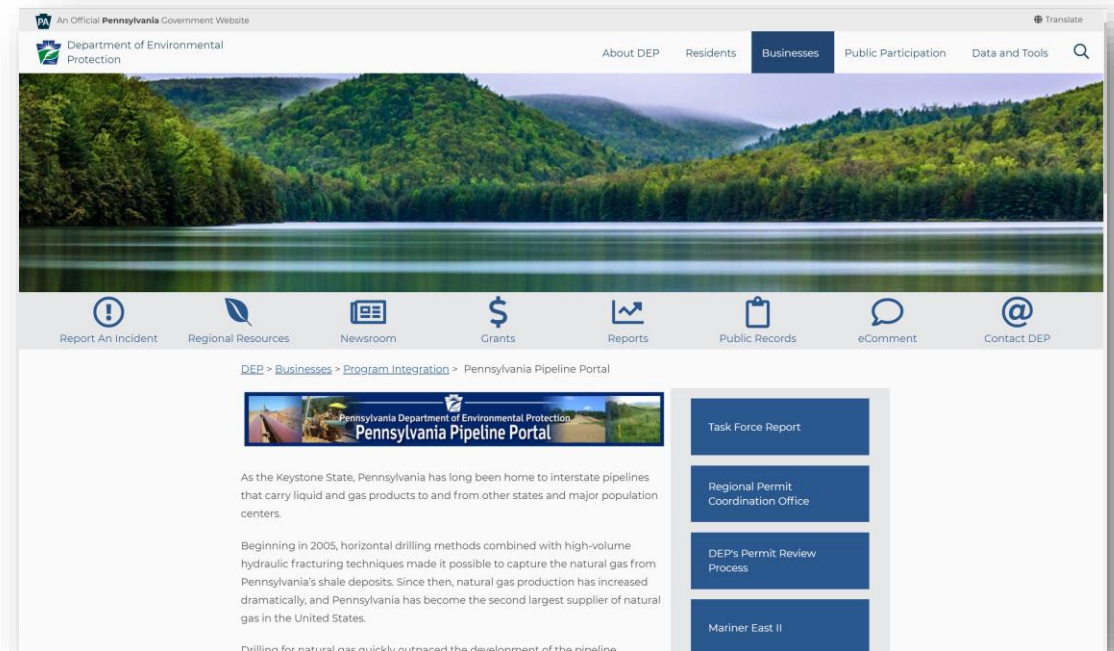
# Informational Resources for Pipelines

## RPCO Webpage



[www.dep.pa.gov/RPCO](http://www.dep.pa.gov/RPCO)

## Pipeline Portal Page



[Pennsylvania Pipeline Portal \(pa.gov\)](http://pa.gov)

# ➤ The Department's Role in the Pipeline Process – Permits

## Review and Issue Permits

- Section 401 State Water Quality Certification
- Chapter 102 Erosion and Sediment Control / Stormwater Management
  - ESCGP-3
  - Individual E&S Permit
  - NPDES Permits
- Chapter 105 Water Obstruction and Encroachment
  - General Permit
  - Joint Permit



# Section 401 State Water Quality Certification

## State Water Quality Certification (SWQC)

- Required for federally permitted activities
- DEP has up to one year to act on a request.
- Conditional approval upon acquiring other necessary water permits (e.g., §102, §105)
- Can occur upon FERC filing (prior to permit applications or simultaneously)
- Additional information and guidance is forthcoming and will be on the RPCO website



Source: ipaa.org



# A Closer Look at Chapter 102 for Oil and Gas

- **Ch. 102 Erosion & Control Permit** – related to earth disturbance during construction, the associated runoff and any post-construction run-off. (ED  $\geq$  5 ac.).
  - **ESCGP-3 or an Individual E&S Permit Application** are the permitting options
  - **Individual E&S Permit** will be required for certain projects that may need special conditions (project size, geologic hazards, T&E species, known contamination)
  - **Scheduling a pre-app** is recommended for all permit applications



# Chapter 102 Permit Review Process

- Upon submittal, RPCO will work with the District to review the application
  - District performs Completeness Review
  - District will perform Technical Review commensurate with their delegation status
  - RPCO will review remaining project elements (e.g. – PCSM)
  - Both Districts/RPCO use same review standards (E&S and PCSM Manuals)
- As issuing entity, RPCO will send all official correspondence
- RPCO will coordinate conversations with Districts and the applicant as needed to discuss project elements





# 102 Technical Review

- Goals: ensure complete applications, the project best management practices (BMPs) and design standards conform to the Chapter 102 requirements, the potential for accelerated erosion and sedimentation is minimized, and water quality protected.
- Guidance Information on DEP E&S Resources website ([E&S Resources](http://www.dep.state.pa.us/eandse) ([pa.gov](http://www.dep.state.pa.us/eandse)):
  - E&SPC Manual (March 2012) with corrections
  - PA Stormwater BMP Manual (December 2006)
  - Riparian Forest Buffer Guidance
  - E&S FAQ
  - Off-Site Discharge FAQ
  - Managed Release Concept FAQ
  - DEP PCSM Spreadsheet

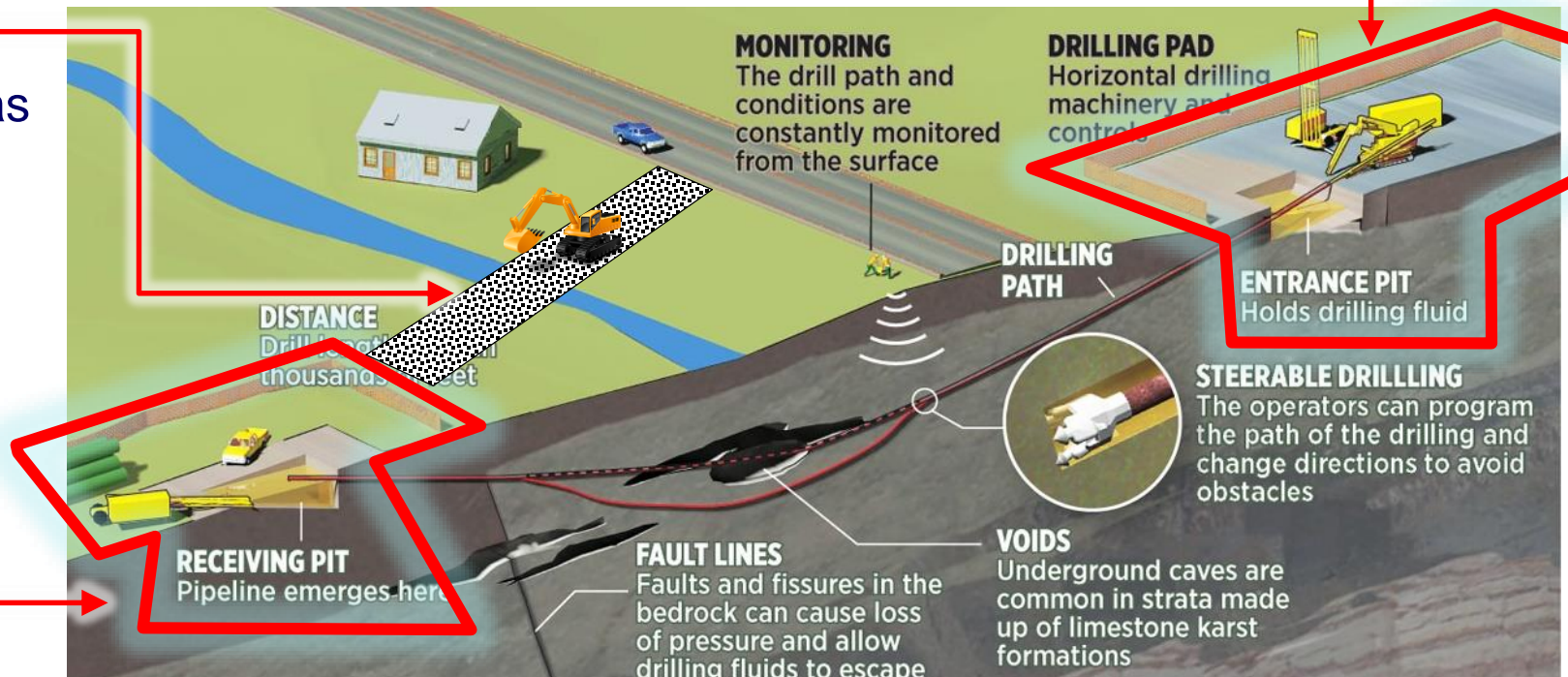


# Ch. 102 - What does DEP regulate for HDD?

## • Chapter 102 - Earth Disturbance

### ○ Disturbed Areas:

- Around Drilling Pad/Entrance Pit
- Around Receiving Pit
- Access Roads
- Equipment Laydown Areas and Pullback Areas



# ▶ Chapter 105 Water Obstruction & Encroachment Authorizations

- **Waiver of Permit Requirements**

- \*written acknowledgement of waived activities, if requested, is a DEP only process

- \*waivers 11 & 16 require an approved Environmental Assessment

- **General Permits**

- \*GPs 1-9 can be issued by Chapter 105 delegated CDs; GPs 10, 11, and 15 are DEP only. RPCO is doing all 105 GPs for FERC pipeline projects.

- **Water Obstruction and Encroachment Permits**

- \*Dam Permits and Joint Permit Application are DEP only

- **Emergency Permits**

- \*DEP only

# Water Obstruction and Encroachment Joint Permit

*If a WOE cannot be waived or meet a general permit requirement, it usually needs a joint permit.*

- Joint Permit Application
  - Pennsylvania WOE Permit Application
  - ACOE 404 Permit
- Projects likely to increase flooding or potential for significant environmental impacts
- Examples: Stream relocations, stream enclosures, wetland fills and flood protection projects
- More Costly than GPs, robust applicant, FBC is a commenting agency

s3150-PM-SWEW0036 Rev. 11/2021  
Instructions



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

## JOINT PERMIT APPLICATION INSTRUCTIONS

FOR A

PENNSYLVANIA WATER OBSTRUCTION AND  
ENCROACHMENT PERMIT APPLICATION

AND A

U.S. ARMY CORPS OF ENGINEERS  
SECTION 404 PERMIT APPLICATION



US Army Corps  
of Engineers

For more information,  
visit DEP's website at [www.dep.gov](http://www.dep.gov)



# General Permits

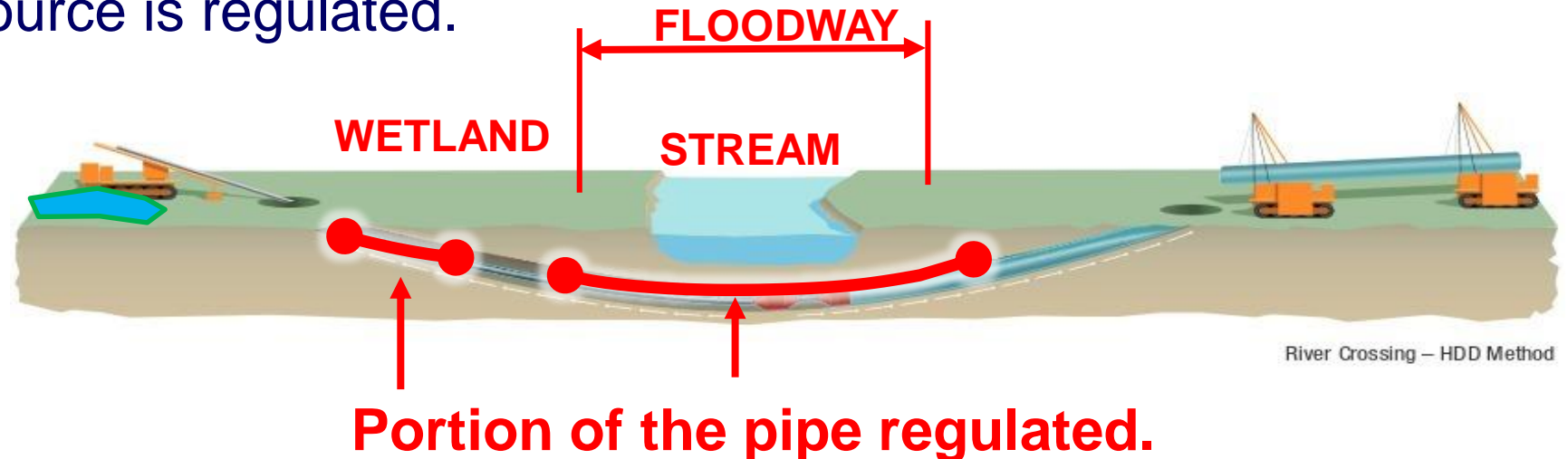
- Already issued permits for certain activities
    - Applicants *register* to activity under permit
    - Each GP has it's own fee schedule
  - Federal Authorization (ACOE 404) is inherent via SPGP
  - Current General Permits:
    - GP-1 Fish habitat enhancement structures
    - GP-2 Small docks and boat ramps
    - GP-3 Bank rehabilitation, bank protection and gravel bar removal
    - GP-4 Intake and Outfall Structures
    - GP-5 Utility Line Stream Crossings
    - GP-6 Agricultural Crossings
    - GP-7 Minor Road Crossings
    - GP-8 Temporary Road Crossings
    - GP-9 Agricultural Activities
    - GP-10\* Abandoned Mine Reclamation
    - GP-11\* Maintenance, Testing, Repair, Rehabilitation of existing WOE
    - GP-15\* Private Residential Construction in Wetlands
- \* Only issued by DEP

# Chapter 105 Review Process

- For legal reasons, the 105 review of FERC pipeline projects stays with RPCO even if district is delegated
- Currently, there is one JPA submitted for each county
- RPCO will perform both the Completeness and Technical Reviews
- Elements of Review
  - Determine eligibility and reporting for PASPGP-6, coordinate with Army Corps of Engineers as needed
  - Determine if an SLLA will be required, work with applicant for needed information
  - Both an engineer and biologist are assigned to each project, reviewing the respective components
  - A Geologist will review submitted documents if an HDD is proposed
- The 105 review and correspondence will generally be synchronized with the 102 review, with the letters and issuance simultaneous.

# Ch. 105 - What does DEP regulate for HDD?

- Water Obstruction & Encroachments
  - Limits of Stream and its Floodway
    - Determined using Flood Insurance Rate Maps (FIRM)
  - Limits of a Wetland
    - Determined through field delineation
- When using trenchless technology (e.g., HDD) - only the portion of the pipe beneath the resource is regulated.



# Permit Review Process Summary

- Submittal preference is ePermitting, OnBase may be used if needed.
- Upon receipt of permit
  - Enter application data into eFACTS and assign a permit number
  - Completeness Review (generally completed within 10 business days) and PaB posting
  - If applicable, prioritize application in accordance with the DEP's Permit Decision Guarantee Policy (Document# 021-2000-301)
  - Determine whether coordination with other applications is required in accordance with the Permit Coordination Policy (Document# 021-2000-301)
  - If necessary, prepare application for posting on the Pipeline Portal Page
- If deemed Complete
  - Clock starts for the Permit Decision Guarantee timeframes
  - Moves into technical review
- If deemed Technically Adequate
  - RPCO will issue the permit, post in the PA Bulletin and move into post issuance



# Post-Issuance Items

- RPCO may be involved in facilitating the Pre-Construction meeting depending on the project size/complexity
- Additional documents need to be filed (Co-Permittee Form, PCSM Instrument)
- RPCO does not have a Compliance and Enforcement (C&E) component, this stays with the Region, with RPCO involved as needed
- Districts will perform inspections/red-lines
- RPCO will process any major/minor amendments
- End of Project documents:
  - Notice of Termination for the Chapter 102 permits
  - A Completion Report for the Chapter 105 JPA



# Regional Permit Coordination Office (RPCO)

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