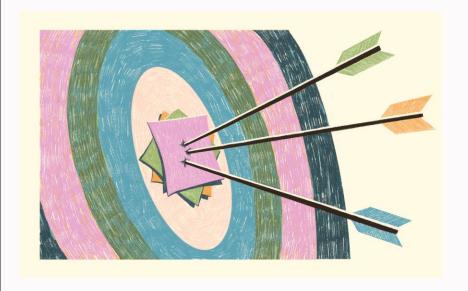
PADEP Chapters 102 & 105 Programmatic Updates

Waterways & Wetlands Program 3/20/2025 & 3/21/2025





Objectives



- Governor, Legislative & DEP Initiatives
- Construction Stormwater Updates
- Water Obstruction & Encroachment Updates
- Resources, Trainings & Look Ahead



Streamlining Permits for Economic Expansion and Development (SPEED)

- July 2024 Legislation (Article XVIII)
- Staff Augmentation Program Qualified Professionals
- DEP Issues or Denies Application
- PDG and PAyback timeframes apply

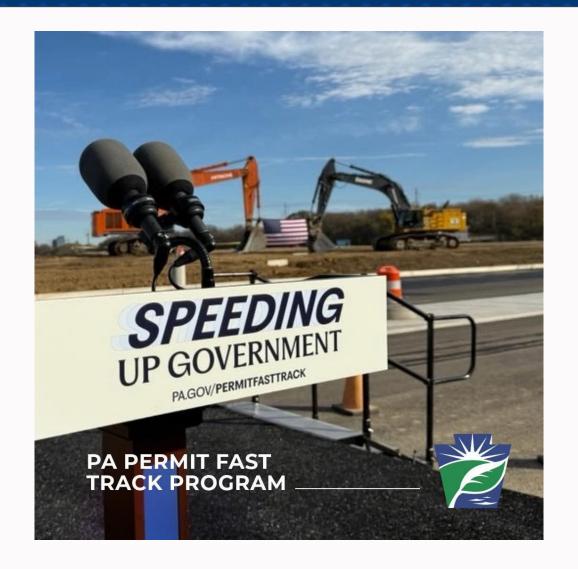


- Eligible Permit Types:
 - ✓ Air Quality Plan Approvals (Chp. 127)
 - ✓ Earth Disturbance Permits (Chp. 102)
 - ✓ Individual Water Obstruction and Encroachment Permits (Chp. 105)
 - ✓ Dam Safety Permits (Chp. 105)



PA Permit Fast Track Program

- Executive Order 2024-04
- Governor's Office of Transformation & Opportunity (OTO)
- Critical Infrastructure & Economic Development Projects
- Apply to Fast Track





- Executive Order 2023-07
- Effective 11/1/2023
- PAyback Program Website



PAyback Update

- Conservation Districts Not subject
- Counter Stops
 - ✓ Deficiency Letter Issued
 - ✓ Public Comment Period
 - ✓ SLLA
- Permit Tracker Tool



Chapter 102 Pilot Program

- Available in 10 Counties Statewide (Allegheny & Beaver)
- Limited to 3 apps/county/quarter
- DEP's Fees Unchanged, District sets their review fees



- No PNDI concurrent reviews
- Licensed Professional
 - Sign & Seal PCSM Drawings & Module 2
 - Documentation licensed professional will oversee critical stages of PCSM Plan implementation
- Minimum of 2 Pre-App Meetings
 - Informal with District
 - ❖ Formal with DEP & District
 - Must submit w/in 22 Business Days



Chapter 102 Pilot Program



Ineligible Projects

- Renewals, Amendments, Transfers
- Applicants Exempt from Fees
- Use of out of spec MRCs, Gravity Wells,
 Unapproved Alternative BMPs, Alternative
 Design Standard
- Projects reviewed by Oil & Gas Program
- Earth Disturbance > 50 acres, Impervious > 10 acres
- Enforcement or Penalty within last 5 years
- Significant Public Interest



Chapter 102 Pilot Program

TASK	Pilot Program Business Days	Standard SOP Business Days (possible extensions add 40 BD)	
Acceptance	7	5	
Completeness	N/A	15	
Response Due	N/A	45	
Technical Review	47	47	
Response Due	22	22	
Review Resubmission	22	22	
Minor Deficiency Response	5	2	
Elevated Review	N/A	15	
Decision	Issue/Return	Issue/Denial	
Total	103*	179*	

^{*} The total number of business days does not include the public comment period, responding to public comments and finalization of permit or denial. Publication of draft permit in the *Pennsylvania Bulletin* is a regulatory requirement. The time to complete the decision task is variable and depends on the time it takes to address applicant and/or public comments. The total business days in this table does not consider the time for the decision task.

Time Savings

- Combined Completeness & Technical Review
- Limited time extension request
- One Technical Deficiency Letter

For more information, go to
Construction Stormwater E&S Resources



Chapter 105 Pilot Program

- Available Statewide
- Limited to 2 apps/region/quarter
- Fees Unchanged
- No PNDI concurrent reviews
- Not appropriate if project
 - ❖ Ineligible for PASPGP
 - ❖ Requires a SLLA

- Minimum of 2 Pre-App Meetings
 - Meeting 1 Project Overview, Eligibility
 - Meeting 2 Present final draft, DEP spot check for eligibility, completeness and technical adequacy
 - Must submit w/in 22 Business Days





Chapter 105 Pilot Program



Ineligible Projects

- > Amendments, GP Eligible, Waivers
- > Enforcement or Penalty within last 5 years
- Significant Public Interest



Chapter 105 Pilot Program

TASK	Pilot Program Business Days (possible extensions add 10 BD)	Standard SOP Business Days (possible extensions add 40 BD)	
Acceptance	7	N/A	
Completeness	N/A	10	
Response Due	N/A	45	
Technical Review	46	46	
Response Due	22	45 23	
Review Resubmission	23		
Elevated Review	N/A	10	
Response Due	N/A	5	
Decision	Issue/Return	Issue/Denial	
Total	98*	184*	

^{*} The time to complete the decision task is variable and depends on the time it takes to address applicant and/or public comments. The total business days in this table does not consider the time for the decision task.

Time Savings

- Combined Completeness & Technical Review
- Limited time extension request
- One Technical Deficiency Letter

For more information, go to

Stream and Wetland Regulatory Program



Chapter 102 Program Updates



- ➤ PAG02 Renewed 12/8/24
- > Individual Permit Updates
- New and Updated Forms and Requirements
- MRC Update
- ePermit System



Individual Permit Application

3800-PM-BCW0408a Rev. 12/2024

Department of Environmental Protection

Application Instructions

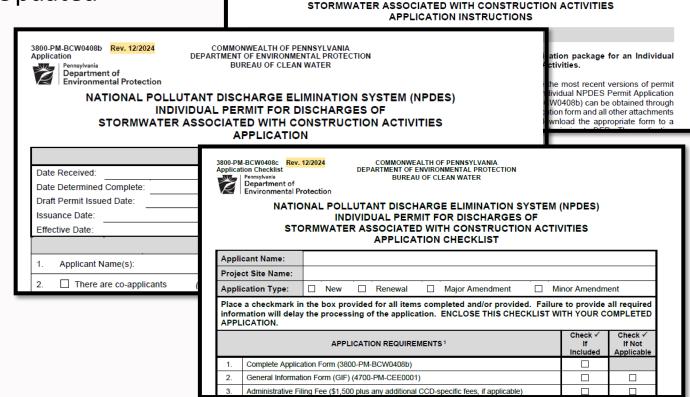
COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

INDIVIDUAL PERMIT FOR DISCHARGES OF

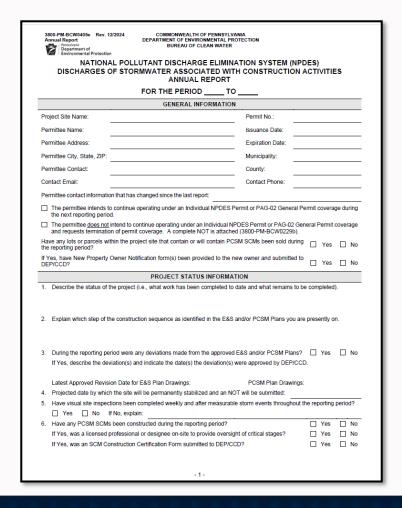
- Application, Instructions & Checklist Updated
- Required to use 3/8/2025
- Module Instructions Relocated
- Pre-Development Site Characterization
- Contaminated Sites
- Erosion Potential Analysis





New Requirement – Annual Report

- Submit by December 7 each year starting after 1st full year of permit coverage
- Reporting period Oct 1 Sept 30
- Annual Report Form





- Effective 12/8/2025
- Qualified Visual Site Inspector
 - 1. Complete <u>DEP's Qualified Site</u> <u>Inspector Training Program</u>
 - 2. Hold Active CPESC or CESSWI Certification
 - Document Qualifications
 Equivalent to 1 or 2 and receive
 DEP written approval

New Requirement – Qualified Visual Site Inspector



Training Program Courses - Complete all 5 Courses to Complete this Training Program All courses in this set must be completed (unless this is an optional set).		
Course name	Actions	Status
E&S Manual Chapter 2: BMP Sequencing (QVSI)	Launch course	
E&S Manual Chapter 11: Stabilization (QVSI)	Launch course	
Installation and Maintenance of E&S Best Management Practices (QVSI)	Launch course	
Proper Installation and Inspection of Stormwater Control Measures (SCMs) (QVSI)	Launch course	
How to Complete the Visual Site Inspection Report (QVSI)	Launch course	



New Requirement – SCM Construction Certification Form

- Licensed Professional or designee on-site and responsible for oversight of critical stages
- Must document each SCM using form and submit form w/in 30 days of completion of construction
- Must be signed by licensed professional

GENERAL PROJE	CT AND SCM INFORMATION		
Project Site Name:	Permit No.:		
Permittee Name:	Expiration Date:		
SCM Name:	SCM ID No.:	SCM ID No.:	
Designer Name:	Municipality:		
Designer Firm:	County:		
Recording Date:	SCM Latitude:		
Drainage Area: acres	SCM Longitude:		
Impervious Area: acres	Date Complete:		
☐ New SCM ☐ Modified SCM Person(s)	responsible for long-term O&M:		
Report all inspections of the SCM and provide the infor	mation requested in the table below or as an attach	iment.	
Inspection Date Critical Stage(s)	Inspector Name Inspe	ctor Firm	
CONSTRUC	CTION INFORMATION		
☐ Photographs of each critical stage with date/time st	amps and appropriate captions are attached (requi	ired).	
Explain any deviations made during construction in co approved by DEP/CCD.	mparison to the approved PCSM Plan and if the d	leviations we	
Describe measurements taken by the inspector to evaluans.	uate conformance of the SCM and its components	with approv	
Was volume management credit claimed in the PCSM	Plan using infiltration for this SCM? Yes	□ No	
Describe the method(s) used to confirm in the field	that the SCM will infiltrate as designed.		

PERMITTEE CERTI	FICATION
I certify under penalty of law that this application and all related at supervision in accordance with a system designed to assure that quality submitted. Based on my own knowledge and on inquiry of the person of the information submitted is, to the best of my knowledge and belieful significant penalties for submitting false information, including the violations pursuant to Section 309(c)(4) of the Clean Water Act and 1	fied personnel properly gather and evaluate the information or persons directly responsible for gathering the information, true, accurate, and complete. I am aware that there are possibility of fine and imprisonment or both for knowing
Responsible Official Name	Title
Responsible Official Signature	Date Signed
LICENSED PROFESSIONAL	L CERTIFICATION
constructed and will function in a manner consistent with the approve	Title
Licensed Professional Signature	Date Signed
License Type: PE PG PLS RLA	License No.



New Requirement – Infiltration Confirmation Testing

- Effective 12/8/2025
- Required if
 - 1. Area of infiltration SCM not protected
 - E&S BMP will be converted and used for infiltration
- Conduct after
 - Major earthwork complete
 - Permanent stabilization of SCM drainage area
 - If conversion, prior to placing soil media or stone

- Acceptable Methods
 - Simulated runoff test w/ minimum 6" ponding depth
 - Inspection during and after storm event that produces minimum 6" ponding depth
 - Infiltration testing consistent w/ PA Stormwater BMP Manual
- Report results on <u>SCM Construction</u>
 <u>Certification Form</u>



New Requirement – New Property Owner Notification Form

- Required if parcel, lot, road or other real property containing or planned to contain SCM is sold during term of permit
- Provide new property owner
 - 1. Record drawings/plans identifying SCM
 - 2. Long-term O&M plan
 - 3. New Property Owner Notification Form

Ž	Pennsylvania Department of Environmental Protection		CLEAN WATER		
1	NOTICE TO NEW PRO "NE"	OPERTY OWNERS (W PROPERTY OWN			QUIREMENTS
man main been with	property that you are pu lagement (PCSM) storm ntenance (O&M) to contin n recorded as part of a co a third party to perform nicipality under the terms	water control measurue performing their into ovenant that affects this long-term O&M. Note –	ures (SCMs) that ended functions. property. You ha	require long-ter The long-term O&M we the right to ente	m operation ar I requirements haver into an agreeme
		PROJECT SIT	E INFORMATION		
Proje	ect Site Name:			Permit No.:	
Pern	nittee Name:			Date of Sale:	
Will	the sale of property also inc	lude a transfer of the Chap	oter 102 permit?	☐ Yes	□ No
		PROPERTY CONT	AINING PCSM SC	M(s)	
Muni	icipality:		County:		
Plot	Book Volume:		Page:		
Tax	Parcel # / UPI:		Owner:		
Addr	ress:		Phone:		
City,	State, ZIP:		Email:		
		PCSM SCM	INFORMATION		
Nam	e / Description of SCM:				
Loca	ation of SCM on Property:				
Desc	cribe Access to SCM:				
Impe	ervious Area Treated:	acre(s)	squa	re feet	
	The PCSM SCM has been identified in a legal instrument that has been recorded with the County Recorder of Deeds.				
	The new property owner h	as been provided the O&M	I Plan for the PCSN	SCM. The O&M Pla	an has been recorde
	The new property owner has been provided record drawing(s) showing construction details of the PCSM SCM. The record drawing(s) or equivalent information have been recorded.				
	The new property owner has been provided information on the frequency of inspections that must be conducted.				
	The municipality requires inspection of the PCSM SCM and submission of an inspection report.				
	Frequency of reporting to	municipality:			
		amed above will be respo			

		le for long-term O&M, identify the responsible party below:
	Name:	Company:
	Address:	Phone:
	City, State, ZIP:	Email:
	The new property owner has entered into an a party has been provided with a copy of the O&	preement with the responsible party named above. The respon M Plan.
	PERMIT	TEE CERTIFICATION
area		nanges were made following submission of this form, the perm
	ees to notify DEP/CCD and the municipality.	
agre	ses to notify DEP/CCD and the municipality.	Official Title
Perr	,	Official Title Date Signed
Perr	mittee Name (type or print legibly)	
Period As to oblige proposed accommand surface	mittee Name (type or print legibly) mittee Signature NEW PROPER the new owner of properly containing PCSM s gations and inspection and reporting requirement voice a cony of the OAM Plan an record drawing berty I will transfer the OAM Plan ner coord drawing senty i will transfer the OAM Plan ner coord drawing certy in will cansier the OAM Plan ner coord drawing compliance are necessary until a Notice of 1 nataining compliance with the permit conditions a cess; and 51) agree to notify the permittee, DEF	Date Signed



- New <u>NOT Form</u>, <u>Instructions</u>, & Checklist
- Required starting 3/8/2025
- NOT Training Courses



This course is intended to provide an overview of what a Notice of Termination is, why they are required, as well as how to complete the Notice of Termination form and what additional information may be needed. In addition, the last module will discuss some of the more common questions and problems encountered during the termination process.



This course is expected to take approximately 1 hour to complete.

Course Lessons

NOT Training: Lesson 1

Lesson 1 in the NOT training series will provide a brief overview of the Notice of Termination for Chapter 102 permits. This section will take approximately 15 minutes to complete.

NOT Training: Lesson 2

Lesson 2 in the NOT training series focuses on completing the Notice of Termination form. This section will take approximately 35 minutes to complet

Updated Requirement – Notice of Termination

3800-PM-BCW0229a Rev. 12/2024 NOT instructions

Table 1: Components of a Complete NOT Submission

Attachment Type	Projects in which the original permit was issued prior to November 19, 2010 and was renewed prior to January 1, 2013	Site restoration projects and projects that proposed PCSM SCMs but none of the SCMs were ultimately implemented and there are no post-construction impervious surfaces	All other projects (as applicable)
Completed, Signed NOT Form	√ 1	√ 2	√ 3
Copy of Latest Recorded Legal Instrument 4,5			✓
Copy of Latest Recorded HOA/Planned Community Declaration ⁶			✓
Proof of Instrument Recording			~
New Property Owner Notification Form(s) 7			\
O&M Agreement(s) 8			\
Record Drawings 9		✓	✓
Long-Term O&M Plan 10			\
Power of attorney or delegation of authority (for Section 9), if applicable	✓	✓	✓
Attachments specific to PAG-01 (optional) 11			\

- Complete Sections 1, 2, 3, 9 only.
- 2 Complete Sections 1, 2, 3, 7, 8, and 9 only.
- 3 For projects that did not involve any earth disturbance, complete Sections 1, 2, and 9 only. Also attach a cover letter explaining that no earth disturbance was conducted.
- 4 Submit a copy of the latest recorded legal instrument, reflecting all approved changes that may have occurred to PCSM SCMs during permit coverage, for every PCSM SCM implemented on the project site (unless previously submitted). Include all attachments. If the NOT separately requires information that has also been recorded, the information does not need to be submitted in duplicate.
- 5 Not required if the project site is located entirely on land owned by the Commonwealth or federal government.
- 6 For PCSM SCMs that will be maintained long-term by a property owner's association, the submission of an HOA/planned community declaration which is recorded prior to the first lot being sold and complies with 25 Pa. Code 102.8(m) will satisfy the requirement to record a legal instrument and may serve as the O&M agreement for the PCSM SCMs.
- 7 These are forms signed by the permittee and a new owner of property within the project site identifying PCSM SCMs and O&M responsibilities. The forms are only applicable to project sites in which property was transferred from one party to another during the term of permit coverage and the property contains PCSM SCMs. These forms may be submitted during the term of permit coverage; if previously submitted, they do not need to be attached to the NOT. These forms do not need to be recorded with the legal instrument. If the permittee cannot acquire the new property owner's signature, the permittee must submit proof that the owner received the form.
- 8 If Section 5 identifies the landowner as the person responsible for long-term O&M, an O&M agreement is unnecessary if either 1) the property which contains the PCSM SCM(s) did not transfer during permit coverage, or 2) the New Property Owner Notification form has been submitted for the new landowner. If Section 5 identifies a party that will be responsible for long-term O&M of PCSM SCMs that is not the landowner or the permittee, a separate O&M Agreement must be attached.
- Submit record drawings depicting SCM construction details and locations as well as final site conditions satisfying Section 8 of the NOT. Record drawings depicting SCM construction details and locations must be recorded (or otherwise the applicable information in Section 8 of the NOT must be recorded). For site restoration projects and projects without PCSM SCMs, only the record drawings depicting final site conditions must be submitted.
- 10 If the record drawings contain detailed information on maintenance and inspection of the PCSM SCM, a separate Long-Term O&M Plan does not need to be submitted.
- 11 PAG-01 permittees may submit 1) infiltration test results for dry wells and rain gardens when soils are mapped as HSG A or B; and 2) a written report from a soils professional evaluating the adequacy of soil amendments. If not submitted with the NOT, DEP/CCD will generally request to see them during the NOT inspection.



- MRC Guidelines Updated 12/7/24
- 2 Options (Replaces MRC Design Summary Sheet)
 - Simplified Design Standards & Spreadsheet
 - 2. MRC Spreadsheet
- New Spreadsheets Required 3/8/25
- MRC Spreadsheet Deductions Calculated

Updated Requirement – MRC Guidelines

MRC Simplified Design Standards

Applicants proposing MRC SCMs are not required to use the MRC Spreadsheet when the MRC Simplified Design Standards will be met. Volume management credit may be claimed for the volume routed up to the 2-year/24-hour storm event for any SCM that will be designed to meet the following standards:

Design Parameter	Standard			
MRC SCM Type	MRC Bioretention			
Maximum Drainage Area	1 acre			
Maximum Equivalent Impervious in Drainage Area	0.5 acre			
Maximum Flow (Storm Event) Routed to SCM	2-year/24-hour storm (higher flows are diverted or bypassed)			
Maximum Ponding Time	72 hours			
Minimum Soil Media Depth (includes a minimum of 1 foot IWS)	2 feet			
Maximum Ponding Depth @ 2-Year/24-Hour Storm	1.5 feet (or 6 inches above the Ponding Depth @ 1.2-Inch/2-Hour Storm)			
Maximum Ponding Depth @ 1.2-Inch/2-Hour Storm	1 foot (no overflow)			
Controlled Release Rate for 1.2-Inch/2-Hour Storm	0.02 cfs/acre equivalent impervious			
Underdrain Outflow Rate for 1.2-Inch/2-Hour Storm	≤ Controlled Release Rate			
Post-Construction 2-Year/24-Hour Peak Rate	Managed Back to Pre-Construction 1-Year/24-Hour Peak Rate in a Separate SCM as necessary			
Separation Distance to Groundwater or SHWT, minimum (ft)	1 foot (2 feet recommended)			

Completion of the MRC Simplified Design Spreadsheet is required for each MRC SCM designed to meet these standards.

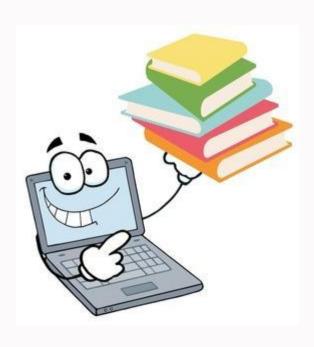


Other 102 Updates

- ePermit Discontinued for 102 Permits except for Oil and Gas Program
- E&S and PCSM Manual Updates
- Co-permittee Acknowledgement Form Discontinued
- DEP PCSM Spreadsheet (Version 2.0, January 2025)
- ESCGP-4 After 10/11/2024



Resources



- ES Resources
- Clean Water Academy
- PACT
- Waterways Engineering and Wetland Regulatory Program
- <u>eLibrary</u>



Get In Touch

Dana Drake, P.E.
PADEP Southwest Region
Waterways & Wetlands Program

•••

412-442-4149/ dadrake@pa.gov

The Department of Environmental Protection's mission is to protect Pennsylvania's air, land and water resources and to provide for the health and safety of its residents and visitors, consistent with the rights and duties established under the Environmental Rights Amendment (Article 1, Section 27 of the Pennsylvania Constitution).