

PADEP Chapters 102 & 105 Programmatic Updates

Waterways & Wetlands Program
March 19 & 20, 2026





Pennsylvania
Department of
Environmental Protection

Objectives



- Permitting Initiatives
- Construction Stormwater Updates
- Water Obstruction & Encroachment Updates
- Resources, Trainings & Look Ahead

Streamlining Permits for Economic Expansion and Development (SPEED)

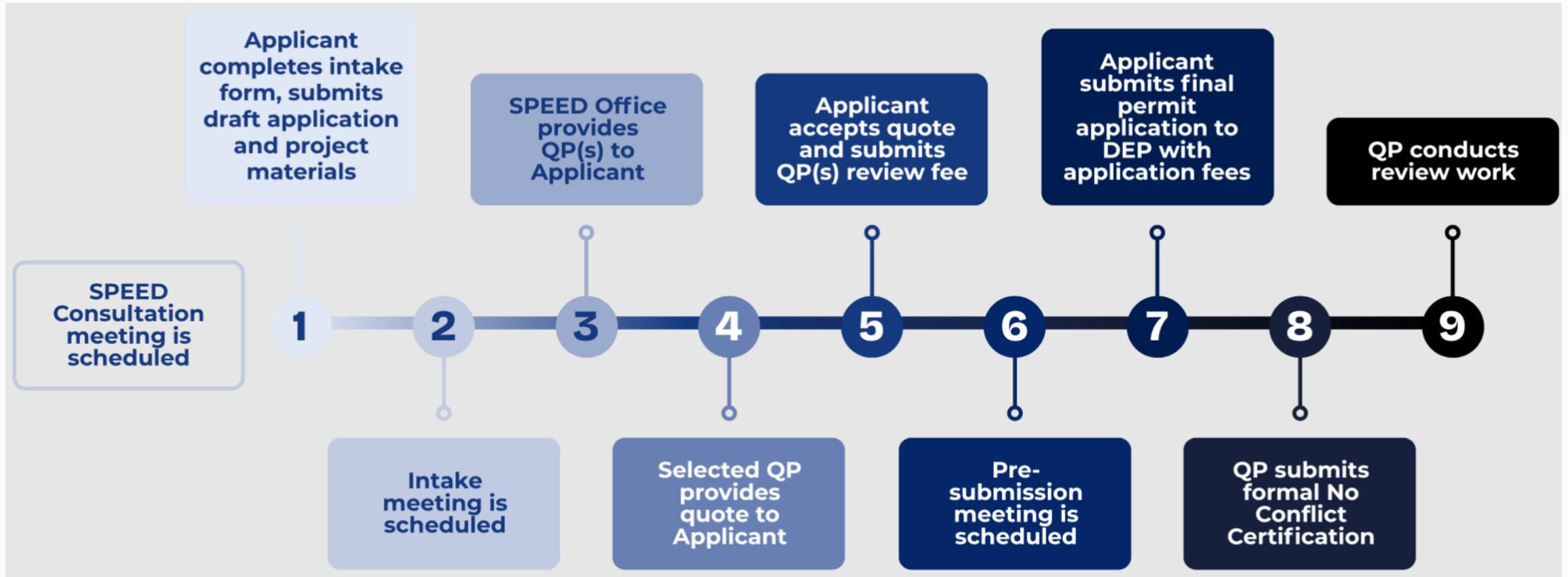
- [2024 Act 54](#)
 - [SPEED Website](#)
 - Approved QPs
- Available Permit Types:
 - ✓ Air Quality Plan Approvals (Chp. 127)
 - ✓ Earth Disturbance Permits (Chp. 102)
 - ✓ Individual Water Obstruction and Encroachment Permits (Chp. 105)
 - ✓ Dam Safety Permits (Chp. 105)

**PERMIT
MODERNIZATION**





SPEED Process Flowchart





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SPEED 2025 Expansion

- Storage tanks permitted under Ch. 245
- Short-term construction permits for non-coal surface mines under Ch. 77
- Concentrated animal feeding operations under Ch. 92





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PA Permit Fast Track Program

- [Executive Order 2024-04](#)
- [Apply to Fast Track](#)
- SWRO PENNSTART Project
 - ✓ DEP Processed 51 Business Days





102 & 105 Pilot Programs

- [102](#) IPs Available in 11 Counties Statewide (Allegheny, Beaver & Washington)
- [105](#) JPA Available Statewide
- Restrictions/Requirements
 - ✓ No PNDI concurrent reviews
 - ✓ Minimum of 2 Pre-App Meetings
 - ✓ Only One TDL



Chapter 102 Program Updates



- FAQ – Solar Panel Projects
- APR Fact Sheet
- Coming Soon...

FAQ Update – Solar Panel Projects

- Updated **2/19/2026**
- Site restoration criteria modified
- Guidance for sites not meeting site restoration criteria
- Storm water analysis
- Guidance for slopes exceeding 20%



FAQ Update – Solar Panel Farms

Site Restoration Criteria

- Maintain buffers from water bodies
- Promote sheet flow
- Arranged to allow for growth beneath panels and between arrays
- Distance between arrays to allow for infiltration
- 90% perennial vegetative cover
- Avoid compaction
- Post –construction slope 10% or less

Figure 4.A: Perpendicular flow condition - runoff is close to perpendicular to the arrays. (Isometric view—left; Plan view—right)

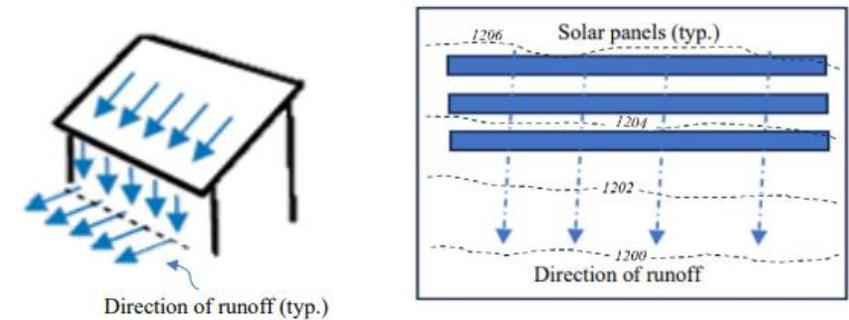
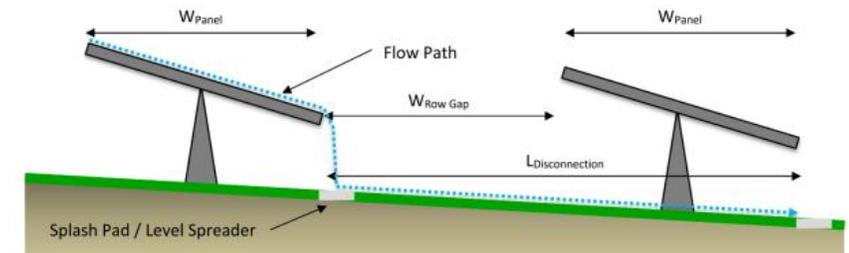


Figure 4.B: Schematic Profile of Solar Panel Array Providing Impervious Area Disconnection



Source: Ohio EPA, April 2022



FAQ Update – Solar Panel Farms

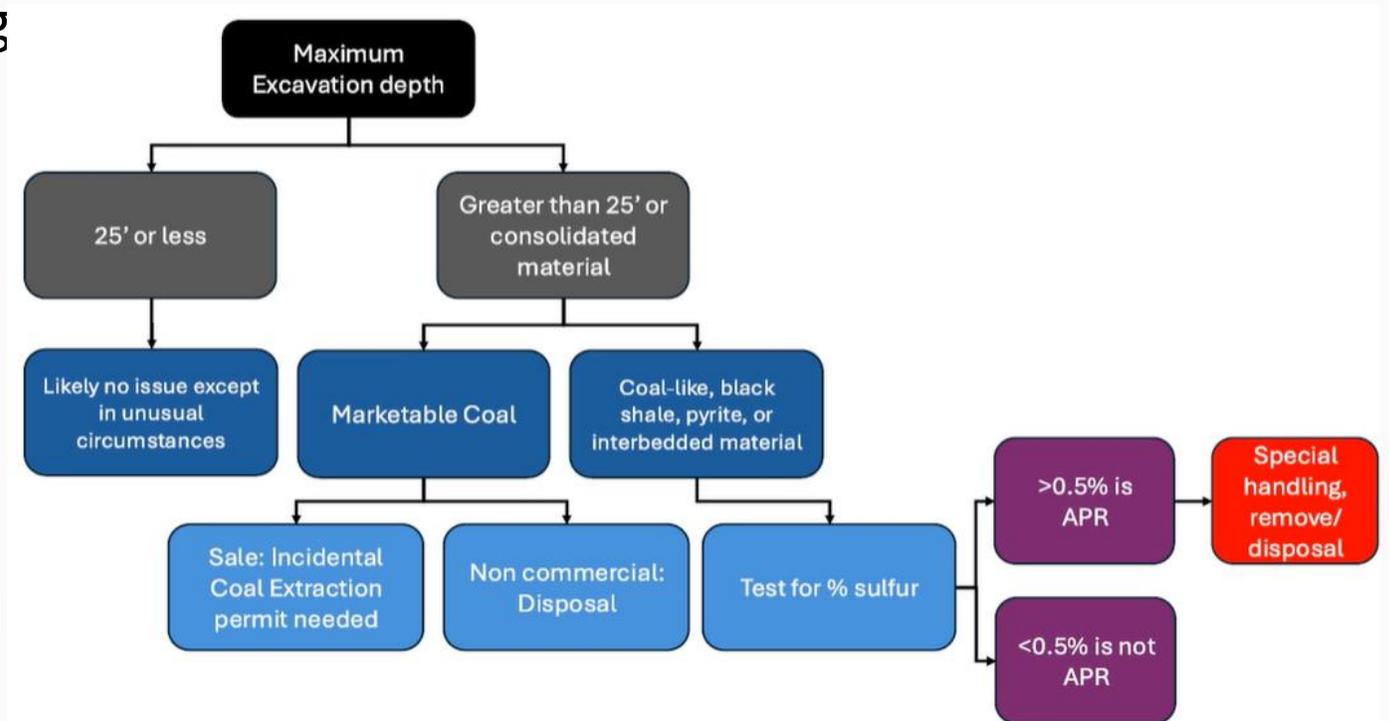
Scenario	SW Analysis Requirements
Projects meeting site restoration criteria (including slope $\leq 10\%$)	Panel area excluded unless impervious access roads are proposed or gravel drip edge protection is proposed within panel area. Any impervious areas outside of the panel area are subject to a stormwater analysis.
Projects not meeting site restoration criteria (including slope $> 10\%$ and $\leq 20\%$)	Entire project site is subject to a stormwater analysis. Pre and Post CN and runoff depth for panel area should be calculated using the PV-SMaRT tool. Runoff for impervious access roads, gravel drip edge protection within solar panel area, and all other impervious outside of the solar panel area should be calculated using standard methods (e.g., DEP PCSM Spreadsheet).
Projects with steep slopes (slope $> 20\%$)	Entire project site is subject to a stormwater analysis. A professional engineer should use best professional judgment in determining CN values. Additional BMPs and SCMs would generally be expected.



Acid Producing Rock

Fact Sheet – Encountering acid producing rock during construction activities

- Coal – Should NOT be buried
 - Disposal or permit for removal
- APR
 - Testing
 - Site specific details for handling, storage and management/removal
- Onsite Management
 - Alkaline addition
 - Encapsulate





Miscellaneous 102 Updates

- PCSM Manual – Target 2027
- PAG01 Renewal – 2027
- [Draft Stormwater Thermal Analysis Spreadsheet](#)
- [SCM Suites Planning Tool](#)
- Clean Water Academy Trainings
 - MRC – New Module
 - DP vs POA
 - PDSC Spreadsheet



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Chapter 105 Program Updates

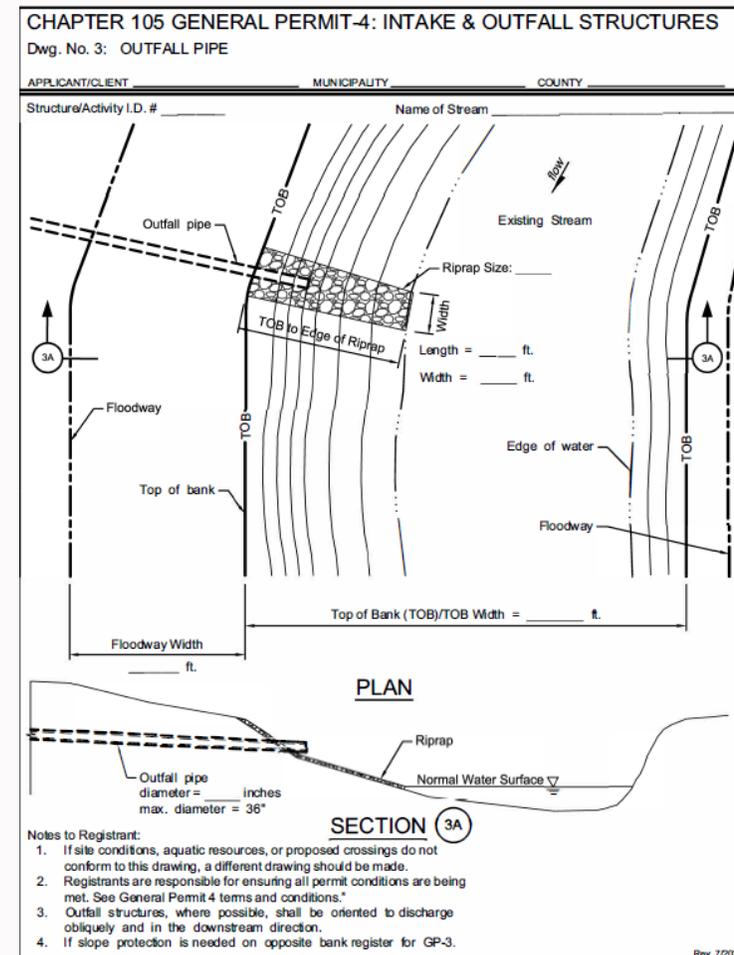


- GP Registrations
- Proposed Reg Revisions
- PNDI & IPaC
- Trainings & Webinars

GP Registration Updates

- Updated Sample Drawings
 - Available for GP2, GP4 and GP8
 - Located in eLibrary

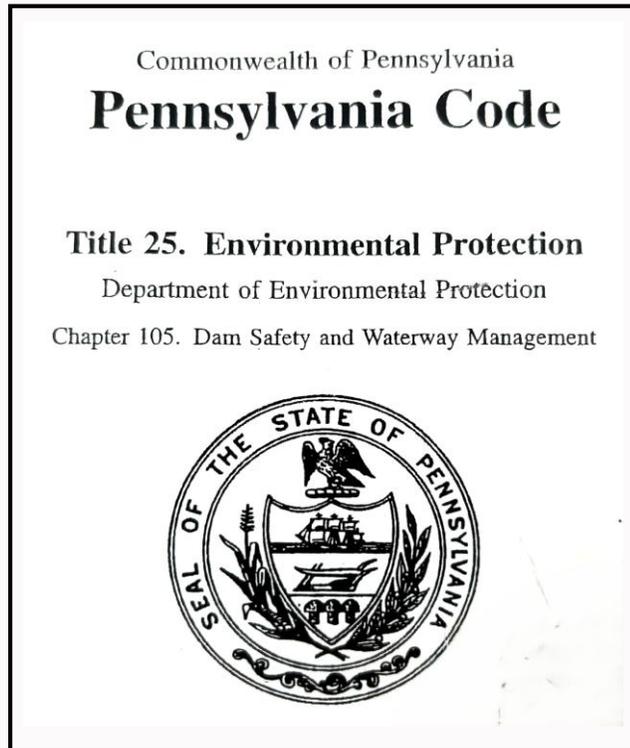
- New Review SOP for DEP and Districts
 - Implements Single Review
 - Established review times for each phase
 - No concurrent PNDI Reviews





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Chapter 105 Reg Revision

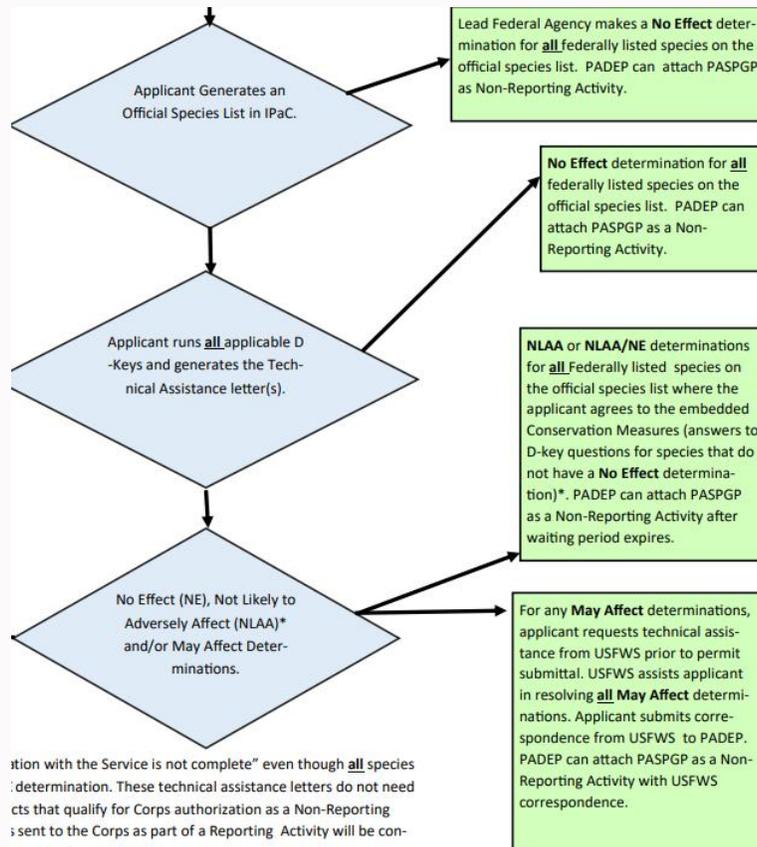


- Picking up 2020 effort
- Proposed new waivers and clarifying language
- **TENTATIVE** Draft Rulemaking Publication - Fall 2026



PNDI & IPaC

PNDI/IPaC Process Flow – Potential Impact



- Provide USFWS species list & D-Key Results
- Run all available D-Keys
- Answer D-Key questions correctly
- No Effect or NLAA for all species
- If May Affect – Follow Up/Clearance
- Proposed Species
 - 105 Permits – Clearance or reporting
 - 102 Permits – Falls on applicant, but clearance not required for permit issuance



PNDI & IPaC

The IPaC results indicated the following species is (are) potentially present in your project area and, based on your responses to the Service's Northeast DKey, you determined the proposed Project will have the following effect determinations:

Species	Listing Status	Determination
Indiana Bat (<i>Myotis sodalis</i>)	Endangered	NLAA
Salamander Mussel (<i>Simpsonaias ambigua</i>)	Proposed Endangered	May affect

Conclusion

Coordination with the Service is not complete. The project has a federal nexus (e.g., funds, permits); however, you are not the federal action agency. Therefore, the ESA consultation status is incomplete and no project activities on any portion of the parcel should occur until consultation between the Service and the Federal action agency (or designated non-federal representative), is completed. Section 7 consultation is not complete until the federal action agency submits a determination of effects, and the Service concurs with the federal action agency's determination. Please provide this technical assistance letter to the lead federal action agency or its designated non-federal representative with a request for its review.

Other Species and Critical Habitat that May be Present in the Action Area

In addition to the species listed above, the following species and/or critical habitats may also occur in your project area and are not covered by this conclusion:

- Monarch Butterfly *Danaus plexippus* Proposed Threatened
- Northern Long-eared Bat *Myotis septentrionalis* Endangered

If no changes occur with the Project or there are no updates on listed species, no further consultation/coordination for this project is required for the species identified above. However the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional consultation with the Serv



PNDI & IPaC

Solar and Wind Projects

⚠️ ****NOTICE****

DEP understands that in some cases, it may not be possible for a project to obtain a clearance letter from a jurisdictional agency through the PNDI process. For example, certain classes of projects may now be unable to access the IPaC tool. In such cases, prospective applicants should submit the PNDI receipt along with the applicant's Notice of Intent (NOI) or application to DEP or delegated county conservation districts (CCDs). Generally, DEP will be able to assist such projects in moving forward through the review process.

If the PNDI receipt identifies a potential impact to a federal listed threatened and/or endangered (T&E) species, the applicant should address any identified potential impacts and identify all avoidance and mitigation measures in the NOI or application that it will implement to mitigate any potential impact. If the PNDI receipt does not identify the specific potentially impacted joint state and federal listed species, the applicant should contact the appropriate associated state agency (the Pennsylvania Game Commission or the Pennsylvania Fish and Boat Commission) in order to help determine what species is impacted and potential avoidance and mitigation measures and identify those measures to DEP/CCD when submitting any NOI or application.

- Submit Joint Permit and Individual NPDES Permit Applications
- Include Study
 - Prepared by expert
 - Expert's credentials
 - Measures to be implemented
- May condition permits as necessary
- Joint Permit – Reporting Action

Find learning

Category

Chap. 105 - Dam Safety & Waterway Mgmt ▾

Filters

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Learning type

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Featured Hydric Soils of Problematic Conditions and Altered Materials-PA Centric (Recorded Webinar)

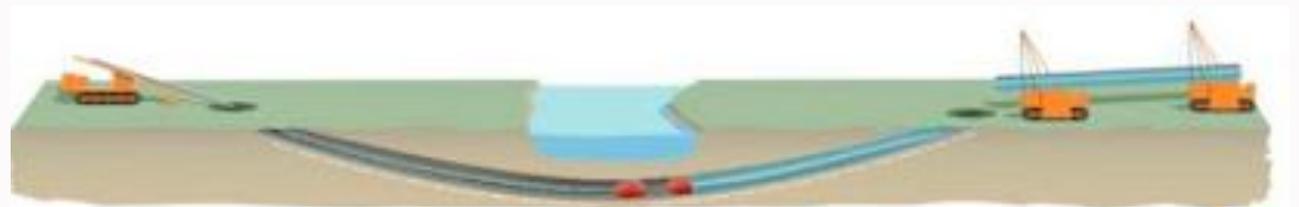
Wetland Determination

Courses

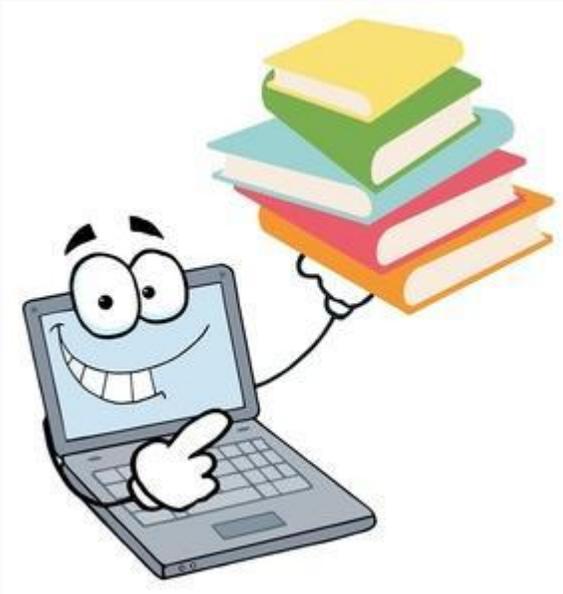
Category: Wetland Determination

WOEP Trainings & Webinars

- Hydric Soils of Problematic Conditions and Altered Materials – PA Centric
- Trenchless Technology Webinar
 - April 15, 10:00 – 11:00 AM
 - Register [Here](#)



Resources



- [ES Resources](#)
- [Clean Water Academy](#)
- [PACT](#)
- [Waterways Engineering and Wetland – Regulatory Program](#)
- [eLibrary](#)
- [Flooding and Stormwater – Related Resources](#)



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Get In Touch

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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).