

PERMIT APPLICATION REVIEW PROCESS FACT SHEET
Department of Environmental Protection (DEP)
Southcentral Region

The purpose of this document is to help permit applicants understand the permit review process for Individual NPDES Permits for Stormwater Discharges Associated with Construction Activities.

Permit Coordination:

Applicants are responsible for obtaining all required DEP permits for their projects. No permits will be issued until all permits are ready to be issued. The coordination of the permit application reviews and issuance by the different DEP regulatory programs will be done through the Assistant Regional Director, Ms. Lynn Langer, who can be reached at 717-705-4704.

Review Timeframes:

The processing timeframe for Chapter 102 Individual NPDES Permits, Permit Amendments, and Permit Renewals is **150 calendar days** including a 20-day administrative review by the County Conservation District. Please note that the clock tracking the elapsed time for the review of an application stops while you prepare a response to a deficiency letter, email request, or phone request from the Department or the Conservation District. The clock starts again when the DEP or Conservation District receive all of the requested information.

DEP highly encourages applicants to take an active role in reviewing and resolving deficiencies identified in the permit application. Direct communication between the applicant and the permit reviewer often helps the applicant better understand the outstanding issues, and translates in finding viable solutions to existing problems and more expeditious permit issuance.

Administrative Reviews:

Administrative reviews are conducted by Conservation Districts, and generally include checking for the appropriate signatures, filing fees, notarizations, maps and application forms, and worksheets. The purpose of the administrative review is to determine whether the application information and forms are provided. Administrative reviews are generally conducted by Conservation Districts within 20 calendar days of the receipt of the application.

If your application is missing required information, the Conservation District will notify you by phone or letter. You will be given a reasonable timeframe to submit the required information. If the information is not submitted within that timeframe, DEP or the Conservation District will close your application file and consider your permit application withdrawn. DEP or the Conservation District will retain your filing fee. Upon submittal of a new application, the permit applicant will be required to submit a new filing fee.

When the Conservation District deems an application to be administratively complete, a copy of the application is then sent to DEP's Southcentral Regional Office. DEP will start its technical review of the post construction stormwater management plans while the Conservation District is conducting its technical review of the erosion and sedimentation control plans.

Technical Reviews:

The technical review includes an analysis of the adequacy of the proposed erosion and sedimentation control best management practices (BMPs) and post construction stormwater management BMPs; the completeness, clarity and soundness of engineering proposals;

conformance with applicable statutes and regulations; and analysis of comments submitted by the public. Applications containing major technical errors will not be reviewed by the agency. Rather, they will be returned with a letter identifying the main issues and requesting that the applicant take more care in preparing the application. A critical part of the technical review process is the review of comments received from the general public and other governmental agencies. Comments may be solicited by publishing a notice of the permit request in the *Pennsylvania Bulletin*, by circulating the application to other governmental agencies, or through public meetings or hearings. Unsolicited comments in the form of letters and petitions are also considered.

DEP and Conservation District staff will review the application and all other relevant information, and you will be notified by phone or letter if there are deficiencies in your application. During the technical review process, DEP will issue a maximum of **two** technical deficiency letters to the permit applicant outlining outstanding deficiencies in the permit application. Each letter will allow you a maximum of **60 days** to provide a complete response that addresses all outstanding issues. If you fail to do so within the allotted time, your application will be considered withdrawn or your permit will be denied.

When DEP has completed the technical review of your application, a decision will be rendered. If all applicable requirements are met, your permit will be issued. If multiple DEP permits are involved, they will be issued simultaneously. Permits may be denied for a number of reasons including failure to supply the required information needed for a complete and comprehensive technical review (as described in the paragraph above); failure to show that the activity will not have an adverse impact on the environment; failure to satisfy all applicable legal requirements; or, in some cases, a history on non-compliance by the applicant.

If you believe the deficiencies listed in any deficiency letter are not significant, you have the option of declining the request and asking DEP to make a decision based on the information you have already made available.

Public Input and Participation:

Permit applications are subject to notice in the *Pennsylvania Bulletin* and a public comment period of at least 30 days. In addition, a public meeting; or a public hearing may be held if requested by the public or at the discretion of DEP.

Appeal Process:

Any person aggrieved by a DEP action related to Individual NPDES Permits for Stormwater Discharges Associated with Construction Activities may file an appeal to the Pennsylvania Environmental Hearing Board. Appeals must be filed with the Environmental Hearing Board within 30 days from the date the notice of the final action is published in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483.

We hope you find this information helpful in understanding the application review process.