PADEP Publishes Renewal of General NPDES Permit for Stormwater Discharges Associated with Mining Activities

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The Pennsylvania Department of Environmental Protection (PADEP) has reissued BMP GP-104, its General NPDES Permit for Stormwater Discharges Associated with Mining Activities, for a new five-year term with an effective date of March 28, 2026, and an expiration date of March 27, 2031. Pursuant to 25 Pa. Code § 92a.32, a National Pollutant Discharge Elimination System (NPDES) permit is required for stormwater associated with mining activity. BMP GP-104 is intended to provide NPDES permit coverage for eligible coal and noncoal mining and reclamation authorizations to address stormwater associated with mining activities. Both bituminous and anthracite coal mining operations are eligible for coverage under BMP GP-104. Discharges that do not qualify for coverage under BMP GP-104 include discharges from non-stormwater sources, discharges to high quality or exceptional value designated waters, and discharges to exceptional value wetlands. PADEP's District Mining Offices retain authority to require individual NPDES permits for any other discharges deemed to be more suitably controlled under an individual NPDES permit because of water quality concerns and specific effluent limits that must be applied.

In this renewal of BMP GP-104, PADEP clarified an oversight in the prior version of the general permit that PADEP admits in its 2026 Renewal Fact Sheet likely caused some sites to be overdesigned with respect to erosion and sedimentation controls. The prior BMP GP-104 arguably required all facilities subject to the general permit to meet the 10-year, 24-hour design standard for erosion and sedimentation controls, a more onerous requirement only required by regulation for coal mining and large noncoal permits. The new BMP GP-104 clarifies that the following permit types may meet the less stringent two-year, 24-hour standard specified in 25 Pa. Code ch. 102: small noncoal, noncoal short term construction, bluestone, reclamation of forfeited noncoal mines, and government financed construction contracts. The renewed BMP GP-104 also requires additional operation and maintenance assurances for permanent stormwater control structures that will remain post-mining, a requirement previously reserved only for impervious surfaces remaining post-mining. Finally, the new BMP GP-104 requires permittees to register for electronic submittal of discharge monitoring reports.

The new and prior versions of the BMP GP-104 and supporting documentation are available on PADEP's eLibrary **here**.

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