

Reissuance of NPDES General Permit for Stormwater Associated with Mining Activities

November 26, 2025

Pittsburgh, PA and Washington, DC

FNREL Mineral and Energy Law Newsletter

Pennsylvania – Mining

(by **Joe Reinhart, Sean McGovern, Gina Buchman, and Christina Puhnaty**)

On August 9, 2025, the Pennsylvania Department of Environmental Protection (PADEP) announced its intent to modify and reissue the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Associated with Mining Activities (BMP GP-104). See 55 Pa. Bull. 5768 (Aug. 9, 2025). Under 25 Pa. Code § 92a.32, a mining operation is required to have an individual NPDES permit or coverage under a general NPDES permit if the site has expected or potential discharges associated with a mining operation that are composed entirely of stormwater. To be eligible for coverage under BMP GP-104, an operator must have a qualifying mining authorization (existing or pending), a mining license in good standing (or pending), and they must submit a complete notice of intent to PADEP's local District Mining Office with a \$250 fee. Mining authorization types eligible for BMP GP-104 coverage are coal and noncoal mining permits, small noncoal (and bluestone) permits, noncoal mining general permits, and coal and noncoal exploration activities.

PADEP's current version of BMP GP-104 expires on March 27, 2026. PADEP plans to reissue BMP GP-104 with an effective date of March 28, 2026, and an expiration date of March 27, 2031. PADEP proposes only one substantive change to BMP GP-104: clarifying that certain permit types eligible for coverage under BMP GP-104 must meet the design standards in 25 Pa. Code ch. 102 (a two-year, 24-hour storm event) rather than the 10-year, 24-hour design storm event standard applicable to coal and large noncoal mines. This clarification applies to the following permits: Small noncoal; BMP GP-103 (Noncoal Short term construction); BMP GP-105 (Bluestone); BMP GP-106 (Reclamation of Forfeited Noncoal mines); and Government Financed Construction Contracts (GFCC). The comment period on the proposed permit closed on September 8, 2025.

Copyright © 2025, The Foundation for Natural Resources and Energy Law, Westminster, Colorado

Babst | Calland
Attorneys at Law

PITTSBURGH, PA | CHARLESTON, WV | HARRISBURG, PA | LAKWOOD, NY | STATE COLLEGE, PA | WASHINGTON, DC