

**Standard Operating Procedures for
Processing Municipal and Residual Waste
Major Permit Modifications, not Including
Increases in Capacity Applications for
Landfills, Resource Recovery Facilities,
Transfer Stations, and Processing and
Composting Facilities**

Bureau of Waste Management



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Standard Operating Procedures (SOPs)¹ for Processing Permit Applications

Municipal and Residual Waste – Major Permit Modifications, not Including Increases in Capacity for Landfills, Resource Recovery Facilities, Transfer Stations, and Processing and Composting Facilities

This SOP describes the procedures by which staff in the Waste Management Program will conduct administrative reviews and technical reviews of applications for major permit modifications for landfills, resource recovery facilities, transfer stations, and processing and composting facilities. This SOP does not describe procedures for processing applications for increases in capacity, increased average or daily maximum waste volume, or expansion of the permitted area.

The procedures herein describe the Bureau’s process for management of major permit modification applications in accordance with the Policy for Implementing the Department of Environmental Protection’s (Department) Permit Review Process and Permit Decision Guarantee, 021-2100-001, and Policy for Permit Coordination, 021-2000-301.

All major permit modification applications listed in Appendix A of the Permit Review Process and Permit Decision Guarantee (PDG) Policy, 021-2100-001, are subject to this SOP and the timeframes specified in the following table:

Table 1

Application Type	Total Processing Time (in business days)
Landfill	186
Resource Recovery	186
Transfer Station	186
Processing and Composting	186

¹DISCLAIMER: The process and procedures outlined in this Standard Operating Procedure (SOP) are intended to supplement existing requirements. Nothing in the SOP shall affect regulatory requirements.

The process, procedures and interpretations herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in this SOP that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

Please note that the Processing Time for an application does not begin until the application is accepted as “Complete”. See Figure 1, attached, for a diagram of the permitting process for major modifications.

I. Receipt of Application: When applications are received staff will:

- A. Stamp the application with the date received.
- B. Create the authorization record in eFACTS.
 1. Select the proper authorization type code and verify that the correct fee was submitted.
 2. Select the proper application type using the appropriate regional organization code.
 3. Associate the proper client address (PF) and site address to the project/authorization.
 4. Enter the date the application was received.
 5. Enter or review/update Primary Facility (PF) and Sub Facility (SF) details.
 6. Assign an Application Manager to the application, and enter the Application Manager as the lead reviewer. If an Application Manager has not been assigned, enter the Permits Chief as the lead reviewer.
 7. If a consultant is indicated on the application and the consultant already exists as a “client” in eFACTS, enter the consultant’s information on the “Consultant” tab of the authorization record. If the consultant does not have a client record in eFACTS, create a client record for the consultant. When creating a new client record for a consultant and the “client type” (i.e., corporation, individual, etc.) is not known, select “other” from the menu.
- C. Copy the check (application fee) and attach the copy to the application with the account information redacted. The original check should be processed in accordance with the latest version of Management Directive OAM-1000-01, *Deposit of Fees, Fines, Penalties and Other Revenue*.
- D. Give the application package to the Permits Chief.

II. Correspondence with the Applicant: All written and verbal correspondence with the Applicant should be documented and retained in the application file in accordance with the Department’s applicable Records Retention and Disposition Schedule and Management Directive 210.5, *The Commonwealth of Pennsylvania State Records Management Program*, including copies of letters and emails to and/or from the Applicant. Discussions during face-to-face meetings should be documented in meeting notes or minutes. All documentation should be retained

with the Applicant's file and made accessible to other Bureau staff to allow others to check the latest correspondence in cases where the Application Manager, or other assigned staff, is out of the office.

III. Coordination and Prioritization: Upon receipt of an application, the Permits Chief or assigned staff will:

- A. Determine whether or not enhanced public participation is needed, in accordance with the Environmental Justice Public Participation Policy, 012-0501-002.
- B. Determine whether or not the application is for a new facility or for a permit modification that would result in an increased average or maximum daily waste volume, increased disposal capacity, or expansion of permit area. If so, in accordance with 25 Pa Code §271.202, or 25 Pa Code §287.202, whichever is applicable, and the Local Municipality Involvement Process Policy, 254-2100-100, the application will not be "received" until said Policy has been met. Major permit modifications that would result in an increased average or maximum daily waste volume, increased disposal capacity, or expansion of permit area are not subject to this SOP and are not subject to PDG.
- C. Determine whether coordination with other applications is needed in accordance with the Department's Policy for Permit Coordination, 021-2000-301. Note whether permit coordination is needed on the application file or permit tracking sheet so that the Application Manager is aware of necessary coordination.
- D. Prioritize the application in accordance with the "Permit Review Hierarchy" contained in Section II.B of the Department's Permit Review Process and Permit Decision Guarantee Policy, 021-2100-001. Note the hierarchy number, as contained in the Policy, on the application file or permit tracking sheet.
- E. Route the application to the assigned Application Manager.

IV. Completeness Review: Completeness Reviews will be conducted in accordance with Section 271.202 of the Municipal Waste Regulations, 25 Pa Code §271.202, or Section 287.202 of the Residual Waste Regulations, 25 Pa Code §287.202, whichever is applicable.

- A. Review of Application: Upon receipt of an application from the Permits Chief, the Application Manager or other assigned staff will:
 - 1. Review the application based on the prioritization assigned to the application.

2. Review the application for administrative completeness, as determined based on the regulatory and statutory requirements of 25 Pa Code §271.202 or 25 Pa Code §287.202, as well as the permit application checklist. A complete application includes the following:
 - a. All forms indicated on the applicable application checklist were submitted with the package, including the appropriate number of copies. All applicable sections of the application must be completed. If a section is not filled in and the Application Manager believes it is not applicable to the facility, the application may be considered acceptable.
 - b. All necessary attachments to the forms.
 - c. The appropriate application fee.
 3. Review the application for technical adequacy. A technically-adequate application should contain the necessary information, maps, fees, and other documents, and said items should be of sufficient detail for a technical review of the application to be conducted, as described in the Department's Policy for Permit Review Process and Permit Decision Guarantee, 021-2100-001.
 4. Review the application to determine whether an adjustment to the facility's bond is necessary in accordance with Section I. of the "Standard Operating Procedures for Reviewing Financial Assurances" document.
- B. Complete Applications: When an application is determined to be complete based on Section IV.A, above, the Application Manager or other assigned staff will:
1. Prepare a Notice of the application's receipt in the *Pennsylvania Bulletin*. If a public comment period is needed for the major modification, the public comment period commences on the publication date of the notice.
 2. Prepare and send an Acceptance Letter explaining the technical review process and identifying any other needed permits. The letter should also contain information regarding the PDG timeframe for the application.
 3. Update the eFACTS record to note that the application was determined to be complete. eFACTS will begin recording the processing time for the application.
 4. Distribute copies of the application to host municipality and the appropriate county, county planning agency and county health department, if one exists.
 5. Proceed to Section V (Technical Review).

- C. **Incomplete Applications:** When an application is determined to be incomplete based on Section IV.A above, the Application Manager or other assigned staff will:
1. Within 60 calendar days (42 business days), prepare a letter notifying the applicant that the application is incomplete, in accordance with 25 Pa Code §271.202(d) or 25 Pa Code §287.202(d), whichever is applicable. The letter should identify the specific information, maps, fees, and documents that are necessary to make the application administratively complete and technically adequate, and provide a deadline to respond. The applicant's response is required within 90 calendar days (63 business days) of the date of the deficiency letter.
 2. Deny the application if the applicant fails to provide the information, maps, fees and documents within 90 calendar days of receiving the notice of incompleteness, in accordance with 25 Pa Code §271.202(e) or Pa Code §287.202(e), whichever is applicable.
 - a. Prepare a letter for the Program Manager's signature that denies the application. The letter must specify where the application is deficient, including specific applicable regulatory and statutory citations.
 - b. Close out the eFACTS authorization.
 - c. Prepare a Notice of the application's denial for publication in the *Pennsylvania Bulletin*.
 3. Upon receipt of additional information, the Department will determine if the application is complete based on the criteria in 25 Pa Code §271.202, or 25 Pa Code §287.202, whichever is applicable, and Section IV.A above.
 4. If the submittal of additional information is not sufficient to make the application complete, the application will be denied in accordance with paragraph IV.C.2, above.
- V. Technical Review:** Following the completeness review, staff will begin the technical review process based on order of priority. Any conflicts that arise will be resolved by the Permits Chief and Program Manager. If a resolution cannot be produced, the Regional Director, Assistant Regional Director and/or Bureau Director will be consulted, as necessary.
- A. The Application Manager will coordinate the following:
1. Review the application to ensure the application contains all necessary scientific and engineering information, as well as project design, to address specific regulatory and

statutory requirements. A technical review of the application may include the following:

- a. Evaluation of siting criteria and existing conditions, which may include a site visit.
 - b. Review of each application form, attachment and drawing for compliance with applicable regulatory and statutory requirements.
2. Verify permit coordination needs.
- B. Public Comments: If public comments have been received or significant public interest is expected, the Application Manager will:
1. Schedule a public hearing or meeting, if deemed appropriate by the Department because of significant public interest.
 2. Review the comments received in response to the public notice published in the *Pennsylvania Bulletin* or those received as a result of a public hearing or meeting.
 3. Determine whether the application should or may be modified to address the comments.
 4. Begin drafting the comment response document based on information available and in accordance with the Department's Policy on Public Participation in Permit Application Review Process, 012-0900-003.
 5. Extension of the Public Comment Period: If an applicant proposes changes to a project proposal after the public comment period closes, the Department will consider whether it is appropriate or useful to afford an additional opportunity for public review and comment.
- If the Department concludes that the public comment period should be extended, the Application Manager or assigned staff will publish the corresponding notice in the same venues in which the original notice was published and will notify all individuals who provided comments on the initial permit applications.
- C. Technically Complete Applications: When the application is determined to be technically complete, the Application Manager will proceed to Section VI (Permit Decision).
- D. Technically Deficient Applications: When an application is determined to be technically deficient, the Application Manager will:

1. Prepare a technical deficiency letter and send to the Applicant. The letter should:
 - a. Specify where the application is deficient, including citations of the specific statute(s) and/or regulation(s) that the application failed to meet.
 - b. Notify the Applicant that PDG is voided.
 - c. Inform the Applicant of any appropriate public concerns.
 - d. Offer the Applicant an opportunity to meet and discuss the deficiencies.
 - e. Include a 60 calendar day deadline for submitting a response.
2. Enter a subtask of “SDN” (Send Deficiency Notice/Receive Response) into eFACTS with a start date corresponding to the date of the technical deficiency letter.
3. Proceed with one of the following categories:
 - a. If the Applicant submits a response to the technical deficiency letter within the 60 calendar day deadline, and based upon the information received, the application can be considered technically complete, the Application Manager will:
 - i. Enter the date the applicant’s response was received into eFACTS.
 - ii. Proceed in accordance with Section VI (Permit Decision).
 - b. If the Applicant fails to respond within the 60 calendar day deadline, or if the submittal of additional information is not sufficient to make the application technically complete, the Application Manager will:
 - i. Enter the date the applicant’s response was received into eFACTS.
 - ii. Proceed to paragraph E, below (Elevated Review Process).
- E. Elevated Review Process: Once the elevated review process is initiated, it must be completed within 15 business days. The Bureau Director and/or Deputy Secretary may be contacted in regard to any conflicts that arise during the elevated review process.
 1. The Application Manager will immediately:
 - a. Notify the Permits Chief and Program Manager that the elevated review process is necessary.
 - b. Enter the start date of the elevated review process into eFACTS.
 2. Upon notification from the Application Manger, the Program Manger or Permits Chief will:

- a. Notify the Regional Director of the need for elevated review.
 - b. Arrange a time to discuss the details and deficiencies of the application with the Regional Director.
 - c. Agree on a direction in which to proceed in regard to a permit decision with all involved staff. A face-to-face meeting with all involved staff and the Applicant and the consultant(s) may be necessary to discuss the technical deficiencies of the application and proceed with a permit decision. If a meeting is necessary, the Program Manager or assigned staff will schedule the meeting with the Applicant and consultant(s) and all involved staff.
 - d. If the meeting results in a resolution, the Regional Director may provide the Applicant with an additional 10 business days to submit a response that addresses the technical deficiencies contained in the application and meets regulatory and statutory requirements.
 - e. If the Applicant fails to provide a response that is sufficient to make the application technically complete within the additional 10 business days provided, or if a resolution cannot be reached, the deficiencies will be elevated to the Bureau Director, who will have 15 business days from the day of first notification, to provide direction on the application in regard to a permit decision. The elevated review will receive the highest priority by the Bureau Director. Assistant Regional Directors or appropriate Bureau Division Chiefs may substitute for the Bureau Director when necessary in order to meet the 15 business day deadline.
3. The Application Manger will enter the end date of the elevated review into eFACTS.
 4. Proceed to Section VI (Permit Decision).

VI. Permit Decision: For applications included in PDG, the technical review must be completed and a permit decision must be made within the processing time identified in the Table 1 of this SOP. Based on the outcome of the technical review, the Department will proceed with one of the following categories:

- A. If the Department has not surpassed the PDG processing time or PDG is void, the application will be approved or denied as follows:
 1. Approval of Application

If the application is determined to be complete and meets all applicable regulatory and statutory requirements with no remaining deficiencies, the permit modification is recommended for approval. The Application Manager or assigned staff will:

- a. If the application was determined to require a bond adjustment during the completeness review (paragraph IV.A.4), follow the procedures outlines in Section II. of the “Standard Operating Procedures for Reviewing Financial Assurances” document.
 - b. Where appropriate, prepare a Major Action Advisory (MAA) for internal review.
 - c. Prepare a draft permit modification with conditions as appropriate for the requested modification.
 - d. Prepare a Comment Response document, in accordance with 25 Pa. Code 271.143(c) and Pa. Code 287.153(c), if not already completed.
 - e. Provide the draft permit to appropriate staff for review and comment. Review internal comments and modify the draft as appropriate.
 - f. Send the draft permit modification for review, if requested by the Applicant. Review any comments on the draft modification submitted by the Applicant and modify the draft permit modification as appropriate.
 - g. If permit coordination is needed, hold the permit application for coordination with all other permit applications in accordance with the Department’s Policy for Permit Coordination, 021-2000-301.
 - h. If permit coordination is not needed or once permit coordination requirements are met, issue the permit modification.
 - i. Proceed to Section VII (Post Decision).
2. Denial of Application

If the application contains technical deficiencies after two technical reviews; the required bond is not submitted, approved or executed and the determination is made during the elevated review process that the application should be denied; and the Applicant cannot meet all applicable statutory and regulatory requirements, the application will be recommended for denial. The Application Manager or assigned staff will:

- a. Notify the Program Manager, Assistant Regional Director and Regional Director, as appropriate.

- b. Where appropriate, prepare a Major Action Advisory (MAA) for internal review.
- c. The Application Manager will prepare a letter, for the Program Manager's signature, that denies the application. The letter will:
 - i. Specify where the application is deficient, including specific applicable regulatory and statutory citations.
 - ii. Copy the appropriate program staff, Regional Director, Legal Staff, and if applicable, the host county and municipality.

Note: The application fee is not returned for applications that are denied. If the Applicant chooses to amend and resubmit the application, following appropriate Municipal and Residual Waste Program requirements and procedures, the resubmitted application is treated as a new application.

- B. If the Department fails to meet the PDG processing time and PDG is still valid:
 1. A decision on the application is prioritized as the next actionable application within the Municipal and Residual Waste Program.
 2. The Program Manager and Regional Director will have five (5) business days to make a permit decision.

If the five (5) business day timeframe is not met, a meeting with the Secretary of the Department is scheduled to determine why the deadline was missed.

- a. If the application is determined to be complete and meets all applicable regulatory and statutory requirements with no remaining deficiencies, the permit modification is approved following the steps in Section VI.A.1 (Approval of Application), above.
- b. If it is determined that the application does not meet all applicable regulatory and statutory requirements or has remaining deficiencies, the permit modification is denied following the steps in Section VI.A.2 (Denial of Application), above.

VII. Post Decision: After a permit decision has been made, the Application Manager will:

- A. Enter the appropriate disposition and end dates in eFACTS.
- B. Publish appropriate notice of the permit action in the *Pennsylvania Bulletin*.
- C. Distribute the comment response document to the interested parties and commentators, if not already done so.

- D. Transmit the case files to the Program's file room.

VIII. Municipal and Residual Waste – Major Permit Modifications, not Including Increases in Capacity for Landfills, Resource Recovery Facilities, Transfer Stations, and Processing and Composting Facilities





