



**Standard Operating Procedure (SOP)<sup>1</sup> for Chapter 105 Dam Safety Program  
Review of Chapter 105 New Dam Permit  
November 2, 2012**

This SOP describes the procedures and work flows associated with the administrative and technical review of applications for new Chapter 105 Dam Safety Permits (permit), from the request for a pre-application meeting by the applicant and resulting receipt of the application package to final acknowledgement by Dam Safety staff. The SOP is organized sequentially by activities that will generally be completed. The functional roles that are responsible for the activity are identified with the name of the activity. This SOP is intended to comply with the Policy for Implementing the Department of Environmental Protection Permit Review Process and Permit Decision Guarantee (Doc. ID 400-2100-001). The Permit Decision Guarantee Timeframe for Chapter 105 New Dam Permits is 157 days. Application processing staff will strive to complete the review of permit applications in as few days as possible and in accordance with the permit review hierarchy as established in the Permit Review Process and Permit Decision Guarantee. Application processing staff will also strive to complete the review of permit applications which do not meet the requirements of the Permit Decision Guarantee in the same timeframes.

**I. Pre-Application Meeting (Applicant)**

When an Applicant proposes the construction of a new dam, the Applicant will:

- A. Contact the Department to request a pre-application meeting. The Applicant will be provided with the names of the appropriate agencies to include in the pre-application meeting. Possible agencies that may be included to attend the meeting are the DEP Division of Dam Safety, appropriate DEP Regional Office, U.S. Army Corps of Engineers, Pennsylvania Fish and Boat Commission and appropriate County Conservation District. Additionally, the Applicant's consulting engineer should attend the meeting. The Lead Reviewer and any other appropriate staff will represent the Division of Dam Safety at the meeting.
- B. Coordinate a date, time and location to hold the pre-application meeting once the appropriate attendees for the meeting are provided by the Department. At the meeting, the Applicant will explain the proposed project and all alternatives that were considered. Each agency will discuss its role in the permitting process, indicate any potential issues with the proposed project and offer any appropriate suggestions regarding the proposal. The Department will explain each item of the Dam Permit Application Completeness Checklist (see Attachment A) and indicate any items that are not required based on the Applicant's specific project proposal.
- C. Work with their consulting engineer and any other appropriate consultants to prepare a complete Dam Permit Application Package and submit it to the Department.

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<sup>1</sup> **DISCLAIMER:** 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.

## **II. Application Receipt (Division Secretary)**

When the Dam Permit Application Package is received, the Division Secretary will:

- A. Date-stamp the cover letter of the Dam Permit Application Package; and
- B. Forward the entire Application Package to the Watershed Section Chief for Application Assignment.

## **III. Application Assignment (Watershed Section Chief)**

The Watershed Section Chief will, within 5 business days:

- A. Assign a Dam Permit number from the Dam Inventory;
- B. Enter the Dam Permit number and receipt date on the Application Form;
- C. Enter the appropriate fee on the Application Form and verify that the appropriate amount has been provided by the applicant;
- D. Date-stamp all submission copies;
- E. Forward one copy of the Application Package to the Administrative Assistant for IV. Preliminary Data Management and Fee Processing and continue concurrently with Steps F through L below;
- F. Create the basic record in the Dam Inventory (Dam Permit Number, Permittee, Engineer);
- G. Create the basic Application Record (AP) in the Correspondence Tracking component of the Dam Database and link it to the Dam Inventory;
- H. Assign the application to the appropriate Lead Reviewer and enter the individual's name in the Application Record in Correspondence Tracking;
- I. Type and print forms associated with the Dam Permit Application (Application Deficiency List, Dam Permit Checklist, PA Bulletin Description Data Sheet) and indicate if the correct application fee was provided on the Application Deficiency List;
- J. Create an orange Application Package file folder;
- K. E-mail the Lead Reviewer, Biologist, Biologist Supervisor and Administrative Assistant regarding the new application; and
- L. Forward the Application Package to the Lead Reviewer for Completeness Review.

## **IV. Preliminary Data Management and Fee Processing (Administrative Assistant)**

For decision-making with respect to data management activities, the reader is referred to the eFACTS Program-Specific Guidance for new Dam Permits for detailed guidance.

The Administrative Assistant will, within the 5 business day Application Assignment time period:

- A. Create the authorization record in eFACTS, using the auth type of "DSP" and associate the proper client and site to the project/authorization;

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- B. Enter the proper dates for application received, accepted, and subtasks in eFACTS;
- C. Update the primary facility (PF) Mailing and Location Addresses in accordance with the application, as necessary;
- D. Update the PF Type to "DAML", as necessary;
- E. Update the SIC or NAICS code for the PF, as necessary, and identify one SIC and/or NAICS code as the "Primary" code (in general, use the SIC Code 0782);
- F. Ensure the Master Authorization linked to the authorization has been pushed to NMS already (otherwise, push the Master Authorization to NMS);
- G. Ensure the Client ID and Other ID of the PF is identical to those for the authorization, otherwise update the PF;
- H. Check the fee category of the PF and ensure it is compatible with the authorization type (if not, update the fee category, as necessary);
- I. Create the APSCS ID Number Sheet and attach it to the Application Package file and the APSCS Binder;
- J. Transmit the application fee; and
- K. Forward the Application Package through the Watershed Section Chief to the Lead Reviewer.

**V. Completeness Review (Lead Reviewer and Biologist)**

Once Steps III and IV are completed by the Watershed Section Chief and Administrative Assistant, all application materials will be forwarded to the Lead Reviewer. The Completeness Review is performed concurrently by the Lead Reviewer and the Biologist and will be completed within a total of 10 business days to include both V. Completeness Review and VI. Completeness Review Finalization and Coordination.

**A. Engineering Completeness Review (Lead Reviewer)**

The Lead Reviewer will, within 5 business days:

- 1. Forward one copy of the Application Package to the Biologist for the Environmental Completeness Review.
- 2. Plot the dam location on the appropriate quad sheet and enter the Dam Permit Number;
- 3. Verify the provided information on the proposed dam and enter all available information into the Dam Inventory record;
- 4. Check for outstanding compliance issues or violations with the applicant to determine if there will be a possible processing delay associated with the issues or violations;
- 5. Create the Standard Task in eFACTS and enter the start date for COMP;
- 6. Create the appropriate Sub Tasks in eFACTS and enter start dates;
- 7. Perform the Engineering Completeness Review; (including GIF and signatures)

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8. If the GIF is complete, e-mail the Watershed Section Chief notification that the coordination matrix can be generated;
9. Complete the appropriate portions of the PA Bulletin Description Data Sheet;
10. Forward information for the Geotechnical Review to the Geotechnical Consultant for review and provision of resulting comments to the Lead Reviewer;
11. Forward information for the Hydrology and Hydraulics (H&H) Review to the H&H Consultant for review and provision of resulting comments to the Lead Reviewer; and
12. Forward the EAP and/or Dam Breach Analysis to the Preparedness, Enforcement & Security Section for review and provision of resulting comments to the Applicant.

**B. Environmental Completeness Review (Biologist)**

Once the application package is received from the Lead Reviewer, the Biologist will, within 5 business days:

1. Create the appropriate Sub Tasks in eFACTS and enter start dates;
2. Create the Environmental Assessment (EA) record in the Correspondence Tracking component of the Dam Database;
3. Perform the Environmental Completeness Review;
4. Complete the appropriate portions of the PA Bulletin Description Data Sheet;
5. Forward the application to the Corps if it falls under Category 3 reporting status; and
6. Forward the Application Package to the Lead Reviewer for Completeness Review Finalization and Coordination.

**VI. Completeness Review Finalization and Coordination (Lead Reviewer)**

Once Step V is completed by the Lead Reviewer and Biologist, all application materials will return to the Lead Reviewer. The Lead Reviewer will complete Steps A through D and Step D or E as appropriate, within 5 business days:

- A. Finalize all components of the Completeness Review;
- B. Finalize the Application Deficiency List and complete the Application Deficiency List Attachment;
- C. Prepare a draft Deficiency Letter or Complete Letter, as appropriate, and proceed with Step D or E accordingly. If a Deficiency Letter is prepared, include the Application Deficiency List (see Attachment B);
- D. **Incomplete Application** - If the application is incomplete and the deficiencies are determined to be non-significant (i.e., an item that in the Lead Reviewer's judgment can be corrected before the 10-day Completeness Review Task has expired), the Lead Reviewer will attempt to contact the applicant by phone to explain the deficiency and offer the opportunity to submit the necessary materials informally before the Completeness Review deadline expires to make the application complete. The Lead Reviewer may or may not (at the Lead Reviewer's discretion) follow up the phone call with an e-mail to the applicant and/or

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consultant. A phone log will be kept by each Lead Reviewer that details the name of the person contacted, the day and time of the conversation, and notes for all communications regarding the completeness and technical reviews. It is required that all logs be retained with the application file until the permit is issued, or otherwise a database or spreadsheet be used and made accessible to others to allow others to check the latest correspondence in a case when the Lead Reviewer is out of the office.

1. If the applicant originally failed to submit the required application information, if the submittal contents are not sufficiently adequate, if the non-significant deficiencies were not addressed with the 10-day completeness review time frame, or if the Lead Reviewer is unable to contact the applicant by phone before the 10-day Completeness Review Task has expired, the Lead Reviewer will enter the **SDN** - Send Deficiency Notice/Receive Response Sub Task under the Completeness Standard Task and will transmit a deficiency letter to the applicant after discussing the deficient items with the Watershed Section Chief. In accordance with 25 Pa. Code § 105.13a(b), the applicant shall have 60 calendar days from the date of the deficiency letter to complete the application and address any completeness deficiencies. The applicant will be informed that the application is no longer eligible for the Permit Decision Guarantee in the deficiency letter.
  2. If the applicant fails to respond within 60 calendar days from the date of the deficiency letter or the information provided is not sufficient to address the deficiencies, the Lead Reviewer will offer a meeting to the applicant and consultant to discuss the outstanding deficiencies and negotiate a final extension, if considered appropriate by the Department, to submit all necessary information to complete the application. The offer to meet will be documented in the application file. If the applicant fails to accept the meeting offer or fails to submit the necessary information before the final extension deadline, the Lead Reviewer will discuss the situation with the Watershed Section Chief, Division Chief and Bureau Director for concurrence that the application should be withdrawn. Once concurrence for application withdrawal has been confirmed with the Watershed Section Chief, Division Chief and Bureau Director, the Lead Reviewer will draft a letter for Division Chief signature notifying the applicant that the application is incomplete and considered withdrawn in accordance with 25 Pa. Code § 105.13a(b). The Lead Reviewer will enter the end date for the **AC** – Application Completeness Review subtask under Completeness Standard Task, enter the subtask of **DENC** - Application Incomplete – Denied in the Completeness Review Task, with start and end dates corresponding to the date of the letter and close out the Completeness Task. The Lead Reviewer will then close the authorization in eFACTS using a disposition of **WITH** - Withdrawn. The application fee will not be returned. If the applicant chooses to amend the application and resubmit the package, following program requirements and procedures, the Department will treat the resubmitted package as a new application.
  3. E-mail the Watershed Section Chief and Administrative Assistant to inform them the Application Package has been withdrawn.
  4. Enter end dates for the appropriate Sub Tasks in eFACTS;
  5. Update the Application Record (AP) in the Correspondence Tracking component of the Dam Database and change the record status to final.
- E. **Complete Application** – If the application is initially complete, the Lead Reviewer will prepare a Complete Letter explaining the technical review process and provide information pertaining to the Permit Decision Guarantee timeframes and proceed to Step 3 below. The processing time for the application does not begin until the application is deemed complete by the Lead Reviewer.

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1. If the application is initially incomplete and there are only insignificant deficiencies that the applicant submits (receipt by email or fax is acceptable except when original signatures, plans or seals are needed) within the 10-day completeness review time frame, and the requested information meets the requirements for a complete application, the Lead Reviewer will prepare a Complete Letter explaining the technical review process and provide information pertaining to the Permit Decision Guarantee timeframes and proceed to Step 3 below. The processing time for the application does not begin until the application is deemed complete by the Lead Reviewer.
2. If the application is initially incomplete and there are deficiencies that the applicant submits (receipt by email or fax is acceptable except when original signatures, plans or seals are needed) between the end of the 10-day completeness review time frame and within the 60 calendar day deadline or final extension deadline as discussed above, and the requested information meets the requirements for a complete application, the Lead Reviewer will prepare a Now Complete Letter explaining the technical review process and reminding the applicant that the application has been removed from the Permit Decision Guarantee. The Lead Reviewer will then proceed to Step 3 below.
3. If the application is complete; prepare, forward to the Division Secretary for processing and once returned sign and send the appropriate Request for Comment Memos to the DEP Regional Office, Pennsylvania Fish and Boat Commission, DEP Water Supply Program and River Basin Commission for review and provision of resulting comments back to the Lead Reviewer for forwarding to the Biologist;
4. E-mail the Watershed Section Chief and Administrative Assistant to inform them the Application Package is complete and ready to be published in the PA Bulletin;
5. Enter end dates for the appropriate Sub Tasks in eFACTS;
6. Update the Application Record in Correspondence Tracking; and
7. Forward the completed PA Bulletin Description Data Sheet to the Administrative Assistant for Pending Application PA Bulletin Publication and proceed to VIII. Technical Review.

**VII. Pending Application PA Bulletin Publication (Administrative Assistant)**

The Administrative Assistant will:

- A. Finalize the PA Bulletin Description and forward it for publishing in the PA Bulletin; and
- B. E-mail the Lead Reviewer and Watershed Section Chief once the PA Bulletin Description has been forwarded and include the requested publish date.

**VIII. Technical Review (Lead Reviewer and Biologist)**

Once Step VI is completed and the application is complete, the Lead Reviewer and the Biologist will perform the technical review concurrently within 75 days.

**A. Engineering Technical Review (Lead Reviewer)**

The Lead Reviewer will, within 75 business days:

1. Create the Standard Task in eFACTS and enter the start date for TECH;

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2. Create the appropriate Sub Tasks in eFACTS and enter start dates;
3. If not already done, forward information for the Geotechnical Review to the Geotechnical Consultant for concurrent review and provision of resulting comments to the Lead Reviewer within the 75 business day Technical Review time period;
4. If not already done, forward information for the Hydrology and Hydraulics (H&H) Review to the H&H Consultant for concurrent review and provision of resulting comments to the Lead Reviewer within the 75 business day Technical Review time period;
5. If not already done, forward information for the EAP and/or Dam Breach Analysis Review to the Preparedness, Enforcement & Security Section for concurrent review and provision of resulting comments to the Applicant;
6. If not already done, forward information for the Environmental Technical Review to the Biologist for concurrent review and provision of resulting comments to the Lead Reviewer within the 75 business day Technical Review time period;
7. If not already done; prepare, forward to the Division Secretary for processing, and when returned sign and send the appropriate Request for Comment Memos to the DEP Regional Office, Pennsylvania Fish and Boat Commission, DEP Water Supply Program and River Basin Commission for review and provision of resulting comments back to the Lead Reviewer for forwarding to the Biologist;
8. Perform the Engineering Technical Review;
9. Update the Dam Inventory record;
10. Enter end dates for the appropriate Sub Tasks in eFACTS; and
11. Enter end dates in the Application Record (AP) in the Correspondence Tracking component of the Dam Database.

**B. Environmental Technical Review (Biologist)**

Once information for the Environmental Review is received from the Lead Reviewer, the Biologist will, within the 75 business day Technical Review time period:

1. Create the appropriate Sub Tasks in eFACTS and enter a start date for the Environmental Technical Review;
2. Create the Environmental Assessment (EA) record in the Correspondence Tracking component of the Dam Database;
3. Perform the Environmental Technical Review;
4. Enter end dates for the appropriate Sub Tasks in eFACTS;
5. Enter end dates in the Correspondence Tracking component of the Dam Database for both the Environmental Assessment (EA) and Application (AP) records; and
6. Forward the reviewed information and appropriate comments to the Lead Reviewer for Technical Review Coordination.

**IX. Technical Review Coordination (Lead Reviewer)**

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Once Step VIII is completed by the Lead Reviewer and Biologist, all application materials will return to the Lead Reviewer. The Lead Reviewer will, within 25 business days:

- A. Coordinate all components of the Technical Review;
- B. If no technical comments are made by any of the various application reviewers or commenting agencies, proceed to XVI. Application Finalization.
- C. In the event, upon a detailed technical review of the application, the Lead Reviewer determines that information beyond the scope of the Completeness Review is not available or otherwise there are technical problems with the application or proposals therein, the Lead Reviewer will make a determination on whether the deficiency is significant or non-significant. In general, non-significant deficiencies are those that can be corrected quickly by the applicant (e.g., one day) so that there is only a minimal processing delay.
- D. If the deficiencies are determined to be insignificant, the Lead Reviewer will attempt to contact the applicant and/or the project consultant by phone and request a response by the close of the next business day. A phone log will be maintained by the Lead Reviewer in the application file to record the results of all such conversations. A follow-up e-mail may be transmitted at the Lead Reviewer's discretion.
- E. If a) the insignificant deficiencies are not corrected by the timeline requested, b) the phone call to the applicant and consultant fails to establish communication, or c) the Lead Reviewer determines that the deficiencies are significant, the Lead Reviewer will prepare a Technical Deficiency (TD) Letter. The letter will request a response within 60 calendar days in accordance with 25 Pa. Code § 105.13a(b). If the application remained eligible for the Permit Decision Guarantee through the completeness and technical reviews, the letter will inform the applicant that the Permit Decision Guarantee is no longer applicable and, at the discretion of the Lead Reviewer, offer an opportunity to the applicant to meet and discuss the deficiencies.
- F. Forward the Technical Deficiency Letter and application materials necessary for review to the Watershed Section Chief.

**X. Technical Review Watershed Section Chief Review (Watershed Section Chief)**

The Watershed Section Chief will, within 10 business days:

- A. Review the Technical Deficiency Letter and discuss any necessary adjustments or revisions to the Technical Deficiency Letter with the Lead Reviewer for revision; and
- B. Forward the Technical Deficiency Letter and application materials necessary for review to the Division Chief.

**XI. Technical Review Division Chief Review (Division Chief)**

The Division Chief will, within 10 business days:

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- A. Review the Technical Deficiency Letter and discuss any necessary adjustments or revisions to the Technical Deficiency Letter with the Watershed Section Chief and Lead Reviewer for revision; and
- B. Forward the Technical Deficiency Letter and application materials necessary for review to the Watershed Section Chief for Technical Review Finalization.

**XII. Technical Review Finalization (Watershed Section Chief)**

The Watershed Section Chief will:

- A. Finalize, coordinate word processing with the Division Secretary, sign and send the Technical Deficiency Letter;
- B. Enter a subtask of **SDN** - Send Deficiency Notice/Receive Response into eFACTS with a start date corresponding to the date of the letter;
- C. Update the Dam Inventory record;
- D. Enter end dates in the Application Record (AP) in the Correspondence Tracking component of the Dam Database and change the record status to final;
- E. Review the Coordination Matrix; and
- F. Forward the application materials to the Lead Reviewer in anticipation of an applicant response to the Technical Deficiency Letter.

**XIII. Response to Technical Review Receipt (Division Secretary)**

When a response to the Technical Review is received, the Division Secretary will:

- A. Date-stamp the cover letter of the submission; and
- B. Forward the entire submission to the Watershed Section Chief.

**XIV. Response to Technical Review Assignment (Watershed Section Chief)**

The Watershed Section Chief will:

- A. Date-stamp all submission copies;
- B. Enter received dates in the Application Record (AP) in the Correspondence Tracking component of the Dam Database and change the record status to pending; and
- C. Forward the submission to the Lead Reviewer.

**XV. Response to Technical Review (Lead Reviewer)**

The Lead Reviewer will coordinate the review of the response with all appropriate reviewers and:

- A. **Technical Deficiencies Addressed** - If the applicant responds to the Technical Deficiency Letter within 60 calendar days, enter an end date for the **SDN** subtask in eFACTS corresponding to the date the submission was received and repeat the necessary steps in VIII. Technical Review above. If the technical deficiencies are adequately addressed proceed to XVI. Application Finalization.

- B. Technical Deficiencies Not Addressed** - If the applicant fails to respond to the Technical Deficiency Letter within 60 calendar days, or if the response fails to address the issues raised in the Technical Deficiency Letter, the Lead Reviewer will enter a Sub Task of “**ELEV**” (Elevated Review Process) Sub Task in eFACTS and brief the Watershed Section Chief, Division Chief and Bureau Director on the circumstances.

If following the Elevated Review Process results in the decision to deny the application, the Lead Reviewer will enter a **DENT** (App Technically Deficient – Denied) Sub Task in eFACTS, enter start and end dates for the **DENT** Sub Task corresponding to the date of the decision, enter end dates for the **SDN** and **ELEV** Sub Tasks, prepare a letter for Division Chief signature that denies the application and close the authorization in eFACTS using the disposition code **DENI** (Denied). Enter end dates in the Application Record (AP) in the Correspondence Tracking component of the Dam Database and change the record status to final.

If following the Elevated Review Process results in the decision to allow an additional technical deficiency response, document the decision and terms of the additional response in the application file and repeat the necessary review steps above.

#### **XVI. Application Finalization (Lead Reviewer and Biologist)**

Once the technical review process has concluded and resulted in an approvable Dam Permit Application in all areas of the technical review, all application materials will return to the Lead Reviewer and Biologist. The Lead Reviewer and the Biologist will finalize the application concurrently.

##### **A. Engineering Application Finalization (Lead Reviewer)**

The Lead Reviewer will:

1. Create the Standard Task in eFACTS and enter the start date;
2. Create the appropriate Sub Tasks in eFACTS and enter start dates;
3. Verify that necessary components for permit issuance have been provided as appropriate and are acceptable, including plans and specifications, an operation and maintenance manual, an emergency action plan (EAP), resolution of any compliance issues, easements or other property information, and proof of financial responsibility;
4. Complete an Engineer’s Report that includes all relevant information regarding the Dam Permit Application and the Biologist’s Record of Decision (discussed below in B. Environmental Application Finalization);
5. Update the Dam Inventory record;
6. Enter end dates for the appropriate Sub Tasks in eFACTS;
7. Enter end dates in the Application Record (AP) in the Correspondence Tracking component of the Dam Database; and
8. Forward the Engineer’s Report and Dam Permit Application file to the Watershed Section Chief upon completion of the Engineer’s Report.

##### **B. Environmental Application Finalization (Biologist)**

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The Biologist will:

1. Create the Authorization Sub Task in eFACTS and enter the start date;
2. Complete an environmental Record of Decision for the Biologist Supervisor's approval;
3. Forward the approved Record of Decision to the Lead Reviewer for inclusion in the Engineer's Report;
4. Enter end dates for the appropriate Sub Tasks in eFACTS;
5. Enter end dates in the Correspondence Tracking component of the Dam Database for both the Environmental Assessment (EA) and Application (AP) records; and
6. E-mail the Lead Reviewer and Watershed Section Chief to notify them that the environmental review for the Dam Permit Application is complete.

**XVII. Watershed Section Chief Decision Review for Permit Issuance (Watershed Section Chief)**

Once Step XVI is completed by the Lead Reviewer and Biologist, the Engineer's Report and Dam Permit Application file will be forwarded to the Watershed Section Chief. The Watershed Section Chief will:

- A. Review the Engineer's Report and discuss any necessary adjustments or revisions to the report with the Lead Reviewer for revision;
- B. Enter the end date for the Section Chief Review Sub Task in eFACTS;
- C. Enter end dates in the Application Record (AP) in the Correspondence Tracking component of the Dam Database; and
- D. Forward the Engineer's Report and Dam Permit Application file to the Division Chief for review.

**XVIII. Division Chief Decision Review for Permit Issuance (Division Chief)**

The Division Chief will:

- A. Review the Engineer's Report and discuss any necessary adjustments or revisions to the report with the Watershed Section Chief and Lead Reviewer for revision;
- B. Finalize the Engineer's Report;
- C. Sign and seal the Engineer's Report;
- D. Forward the Engineer's Report and Dam Permit Application file to the Lead Reviewer for Permit Finalization.

**XIX. Permit Finalization (Lead Reviewer)**

The Lead Reviewer will:

- A. Sign the Engineer's Report and obtain Watershed Section Chief and appropriate Engineering Consultant signatures and seals on the Engineer's Report;

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- B. Complete the Dam Permit Checklist;
- C. Place the Department's copy of the plans, specifications, operation and maintenance manual and Engineer's Report in the Dam Permit Application file;
- D. Prepare a memo and mailing package to the appropriate Regional Office to include plans, specifications, the operation and maintenance manual, the Engineer's Report, a copy of the Dam Permit and, if appropriate, a copy of any Federal permits issued with the project;
- E. Prepare a package for mailing to the U.S. Army Corps of Engineers, if appropriate, to include plans, specifications, the operation and maintenance manual, the Engineer's Report, a copy of the Dam Permit and a copy of Federal permits issued with the project;
- F. Enter end dates for the Division Chief Decision Review Sub Task in eFACTS and enter a start date for the Clerical Review (CR) Sub Task in eFACTS;
- G. Update the Dam Inventory record;
- H. Enter end dates in the Application Record (AP) in the Correspondence Tracking component of the Dam Database; and
- I. Forward the Dam Permit Checklist, Engineer's Report, Dam Permit Application file and mailing packages to the Division Secretary for Permit Preparation and Mailing.

**XX. Permit Preparation and Mailing (Division Secretary)**

The Division Secretary will:

- A. Prepare the Dam Permit and obtain the signature of the Division Chief;
- B. Prepare and send a letter to the Dam Owner with the Dam Permit enclosed and copy the Consulting Engineer and any other appropriate parties;
- C. Finalize and mail the memo and mailing package to the appropriate Regional Office;
- D. Finalize and mail the memo and mailing package to the U.S. Army Corps of Engineers, if appropriate; and
- E. Place copies of the Dam Permit, any Federal permits issued and all mailed correspondence in the Dam Permit Application file.
- F. Forward the Dam Permit Application file to the Lead Reviewer for Final Permit Processing.

**XXI. Final Permit Processing (Lead Reviewer)**

The Lead Reviewer will:

- A. Enter end dates for the Clerical Review (CR) Sub Task and permit issuance in eFACTS;
- B. Issue the authorization in eFACTS;
- C. Change the Disposition of the eFACTS record from "Pending" to "Issued (Mailed)", and ensure there are no documents in the list with a Disposition of "Pending";

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- D. Update the Dam Inventory record;
- E. Enter end dates in the Application Record (AP) in the Correspondence Tracking component of the Dam Database, verify all information in the AP record is complete and correct and change the record type to Permit Issued (PI);
- F. Create a grey Construction Project file for the project and transfer all information from the orange Dam Permit Application file to the grey file; and
- G. Forward the Construction Project file to the Watershed Section Chief for creation of the Construction Tracking record.

**XXII. Construction Tracking (Watershed Section Chief)**

The Watershed Section Chief will:

- A. Create the Construction Tracking record in the Construction Tracking component of the Dam Database; and
- B. Forward the Construction Project file to the Administrative Assistant for Final Close Out.

**XXIII. Final Close Out (Administrative Assistant)**

The Administrative Assistant will:

- A. Advertise permit issuance in the PA Bulletin;
- B. File the Construction Project file in the appropriate location in the dam files.

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**Attachment A**

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| <b>SECTION E. APPLICATION COMPLETENESS CHECKLIST</b>  |                        |                     |
|---|------------------------|---------------------|
| (Applicant must place an entry - Y = Yes, N = No, N/A = Not Applicable - in each left side column space. See Sections 105.13, 105.13a, 105.13b, 105.14, 105.15, 105.81, and 105.82 for additional details.)   |                        |                     |
| <b>REQUIREMENT</b>  | <b>Applicant Entry</b> | <b>DEP Use Only</b> |
| 1. Permit application properly signed, sealed and witnessed   |                        |                     |
| 2. Completed Permit Application and General Information Form  |                        |                     |
| 3. Application Fee payable to "Commonwealth of Pennsylvania" (see Section D)  |                        |                     |
| 4. Copies and proof of receipt - Act 14 notification  |                        |                     |
| 5. Cultural Resource Notice   |                        |                     |
| 6. Completed PNDI Form (see instructions)   |                        |                     |
| 7. Site Plan (including cross sections and location maps)   |                        |                     |
| 8. Project description narrative  |                        |                     |
| 9. Color photographs with map showing locations taken   |                        |                     |
| 10. Erosion and Sedimentation Control Plan and approval letter (see instructions)   |                        |                     |
| 11. Hydrologic and hydraulic analysis   |                        |                     |
| 12. Stormwater Management Analysis w/consistency letter   |                        |                     |
| 13. Floodplain Management Analysis w/consistency letter   |                        |                     |
| 14. Risk Assessment   |                        |                     |
| 15. Environmental Assessment form   |                        |                     |
| 16. Alternatives Analysis   |                        |                     |
| 17. Mitigation plan   |                        |                     |
| 18. Proof of title or adequate flowage easements (see instructions)   |                        |                     |
| 19. Data on site and construction materials   |                        |                     |
| 20. Design drawings, reports and technical construction specifications  |                        |                     |
| 21. Emergency Action Plan (May submit after approval of breach analysis)  |                        |                     |
| 22. Instrument performance monitoring plan  |                        |                     |
| 23. Proof of financial responsibility (see instructions)  |                        |                     |
| 24. Data on chemical content, viscosity and other characteristics   |                        |                     |
| 25. Operation and Maintenance Manual  |                        |                     |
| 26. Copies of most recent inspection reports  |                        |                     |
| 27. Professional engineer's embossed seal and certification   |                        |                     |
| 28. Proposed time for commencement and anticipated start of construction  |                        |                     |
| FAILURE TO PROVIDE ALL THE REQUIRED INFORMATION WILL DELAY THE PROCESSING OF THE APPLICATION AND MAY RESULT IN THE APPLICATION BEING PLACED <b>ON HOLD</b> WITH <b>NO ACTION</b> , OR IT MAY BE CONSIDERED WITHDRAWN AND THE FILE CLOSED, RESULTING IN FORFEITURE OF THE APPLICATION FEE. |                        |                     |

**Attachment B**

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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATERWAYS ENGINEERING AND WETLANDS

| DEP USE ONLY |       |
|--------------|-------|
| FILE NO.     | _____ |
| DATE SENT    | _____ |
| DATE REC'D   | _____ |

**APPLICATION DEFICIENCY LIST**

Instructions: Your application has been reviewed for administrative completeness. Items indicated by an "X" in the right column are deficient. If additional explanation of any of the items is necessary, please find this explanation on the attached sheet. Section references are to Chapter 105 of the Department's Rules and regulations as revised January 8, 2011.

- |   | DEP<br>USE<br>Only |
|---|--------------------|
| 1. Permit application properly signed, sealed and witnessed in accordance with Section 105.13(h)  |                    |
| 2. Complete permit application General Information Form.  |                    |
| 3. Application fee in accordance with Section 105.13(b).  |                    |
| 4. Evidence of County and Municipal notification. (See reverse side).   |                    |
| 5. Evidence of notification to Pennsylvania Historical and Museum Commission. (Cultural Resource Notice with Return Receipt)  |                    |
| 6. Completed and approved Supplement No. 1 Form (PNDI Search).  |                    |
| 7. A Site Plan including information in accordance with Section 105.13(d)(1)(i), with a Location Map of a scale factor of 1:24,000 (standard 7.5 Minute Series U.S. Geological Survey Topographic Map).   |                    |
| 8. A Project Description which includes a description of the proposed/existing structure or activity, purpose of the project, the effect of the project on public health, safety or environment and a statement of water dependency of the project. |                    |
| 9. Color Photographs of the proposed site or project area with location and orientation map.  |                    |
| 10. Erosion and Sedimentation Control Plan and approval letter.   |                    |
| 11. A hydrologic and hydraulic analysis for the appropriate design storm in accordance with Sections 105.81(a)(7) and 105.98.   |                    |
| 12. Storm Water Management Analysis in accordance with Section 105.13(d)(1)(v).   |                    |
| 13. Floodplain Management Analysis in accordance with Section 105.13(d)(1)(vi).   |                    |
| 14. A Risk Assessment if the Storm Water Management Analysis or the Floodplain Management Analysis indicates increase in peak rates of runoff or flood elevations in accordance with Section 105.13(d)(1)(vii).                                     |                    |
| 15. A completed Environmental Assessment Form and attachments, including Impacts Analysis in accordance with Sections 105.15 and 105.13(d)(1)(x).   |                    |
| 16. Alternatives Analysis in accordance with Section 105.13(d)(1)(viii).  |                    |
| 17. A Mitigation Plan of actions to be taken in accordance with the definition of mitigation in Chapter 105.  |                    |
| 18. Proof of title or adequate flowage easements for all land area below the top of the dam elevation that is subject to inundation in accordance with Section 105.81(a)(10).   |                    |
| 19. Data concerning subsoil and rock foundation conditions and the physical properties of the materials entering into the construction of the dam in accordance with Section 105.81(a)(1).  |                    |
| 20. Design drawings, technical construction specifications and design report in sufficient detail that a determination of the adequacy of the proposed facility can be made in accordance with Section 105.81(a)(3).                                |                    |

(Continued on reverse side)

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|  |  | DEP<br>USE<br>ONLY |
|--|--|--------------------|
| _____  | 21. An Emergency Action Plan in accordance with Section 105.134. (If required.)  |                    |
| _____  | 22. A plan for monitoring performance of the dam by instrument installations in accordance with Section 105.81(a)(6). (If required.)   |                    |
| _____  | 23. Proof of financial responsibility in accordance with Section 105.13b.  |                    |
| _____  | 24. For projects involving storage of fluids other than water, information concerning the chemical content, viscosity and other pertinent physical characteristic of the fluid or semifluid in accordance with Section 105.81(a)(5). |                    |
| _____  | 25. An Operation and Maintenance Manual indicating normal operation and maintenance procedures and parties responsible for these procedures in accordance with Section 105.131.  |                    |
| _____  | 26. The most recent inspection reports if the application pertains to an existing dam.   |                    |
| _____  | 27. Professional Engineer's Seal and Certification   |                    |
| _____  | 28. The proposed time for commencement and anticipate start of construction.   |                    |
| _____  | 29. Two additional sets of properly sealed plans and specifications, and permit application should be submitted to this office for review and approval.  |                    |
| I have reviewed the application submission material and confirm that the above checked items have been provided. |  |                    |

\_\_\_\_\_  
(Signature – Applicant or Engineer)

\_\_\_\_\_  
(Date)

**MUNICIPAL AND COUNTY NOTIFICATION OF PERMIT APPLICATION**

Act 14, P.L. 834, enacted February 17, 1984, requires that each applicant for a permit under the Dam Safety and Encroachments Act must give written notice to the municipality(ies) and the county(ies) in which the permitted activity is located. The written notice shall be received by the municipality(ies) and the county(ies) at least 30 days before the Department of Environmental Protection may issue or deny the permit.

You may notify the municipality(ies) and the county(ies) by providing a copy of the application to each municipality and county by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, or by personally delivering a copy to and obtaining a written acknowledgement of receipt from each municipality and county. Letters should be addressed to the office of the Secretary or the Clerk of the municipality and county OR to the Supervisors, Manager or Commissioners as appropriate.

The submission of your application to the Department must include evidence that municipal and county notification has occurred. Acceptable forms of evidence include:

- (1) Certified mail receipt and copy of letter sent to each municipality and county, or
- (2) Written acknowledgment form each municipality and county.

Failure to provide evidence of municipal and county notification will delay processing of your application.

**401 WATER QUALITY CERTIFICATION**

Applications submitted to the Bureau of Waterways Engineering and Wetlands for projects requiring a Dam Permit will also be considered a request for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)) for either a U.S. Army Corps of Engineers' (ACOE) individual permit, nationwide permit or Pennsylvania State Programmatic General Permit.