Standard Operating Procedure (SOP)[1] for Clean Water Program
New and Reissuance PAG-10 NOIs (Hydrostatic Test Water Discharges)
SOP No. BPNPSM-PMT-016
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Version 1.3

This SOP describes the procedures by the Clean Water Program will process Notices of Intent (NOIs) for new and reissuance (renewal) Industrial Stormwater General PAG-10 NPDES permits. The authorization type covered by this SOP is "HTG10" (PAG-10 Discharge Resulting from Hydrostatic Testing of Tanks & Pipelines).

This SOP is intended to comply with DEP's Policy for Implementing the Department of Environmental Protection (Department) Permit Review Process and Permit Decision Guarantee (021-2100-001) ("PDG Policy"). Only certain types of applications are subject to the Permit Decision Guarantee (PDG) described in the PDG Policy. New PAG-10 NOIs **ARE** part of the PDG, with a guaranteed permit decision within 43 **business days**. Renewal PAG-10 NOIs **ARE NOT** part of the PDG.

Central Office will review PAG-10 NOIs for projects spanning multiple counties and will follow this SOP.

The Clean Water Program will refer to existing guidance and the Bureau of Point and Non-Point Source Management's Program Clarification Memo on Permit Coordination (March 5, 2013) when evaluating the need to coordinate issuance of PAG-10 permit coverage with other permits.
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I.   Preliminary Data Management and Fee Processing (Administrative Staff)

For decision-making with respect to data management activities, the reader is referred to the eFACTS Program-Specific Guidance for 92a NPDES Authorizations, Facilities and Fees for detailed guidance.

When NOIs are received, administrative staff will promptly:

A.   Create the authorization record in eFACTS.

1.   Select the proper auth type code. For renewals, ensure the auth type code matches the primary facility (PF) fee category.

If it is determined that eFACTS contains the wrong fee category, or otherwise the fee category has changed, administrative staff will contact Central Office to change the fee category in eFACTS.

NOTE – For Chapter 92a authorizations, the selected auth type must match the fee category of the linked PF to allow issuance of the authorization.

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[1] **DISCLAIMER**: The process and procedures outlined in this 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.

NOTE – Only the following clients are exempt from Chapter 92a permit application fees: DEP, EPA, PFBC, DCNR, PennDOT, Amtrak and Port Authorities. Any other applicant requesting a fee exemption must be referred to the Central Office Bureau of Regulatory Counsel for review.

2. Prepare the physical check payment for transmission to the regional business office following Management Directive OAM-1000-01, and enter the fee payment against the authorization in eFACTS, unless the client is fee exempt. A copy of the check will be made and placed in the application file. Where the fee has not been submitted, treat it as an underpayment in accordance with the Management Directive.

3. Select the proper application type (this SOP covers only NEW and RENEW), using the appropriate regional organization code. Where the client previously was covered by a General Permit and must now apply for an individual permit or the decision is otherwise made to convert the permit to an individual permit, the application type should be NEW.

4. Associate the proper client and site to the project/authorization. If necessary, create the client, site, client/site relationship, at least one subfacility (SF) and the PF. Assign the proper fee category to the PF.

5. Enter the date the application was received ("Recvd") and the date administrative staff creates the authorization ("Admin") into eFACTS' Application Screen.

6. If required by eFACTS to create the authorization, select the lead reviewer as the Permits Chief. If the Permits Chief identifies the application manager at this step, the assigned application manager may be selected for the lead reviewer.

7. Select the Master Auth or set the current authorization to be the Master Auth, as appropriate.

8. Create a subtask of "COMPL" (B/E Completeness Review) under the Completeness Review task in eFACTS, and enter a start date that corresponds to the date the application was received.

B. Enter consultant information.

If a consultant is identified on the NOI, select the appropriate client or otherwise create the consultant as a client on the Application Screen.

C. Enter or otherwise review and update PF Details.

1. Update PF Mailing Address (client address) and Location Address (site address) in accordance with the NOI, as necessary.

2. Update the PF Kind to "Industrial Waste," as necessary.

3. Update the SIC or NAICS code for the PF per the application, as necessary, and identify one SIC and/or NAICS code as the "Primary" code.

4. Ensure the Client ID and Other ID of the PF are identical to those for the authorization, otherwise update the PF.

D. Push Master Auth to NMS (if not done so previously), unless the current auth is the Master.

If the current auth is not the Master Auth, ensure the Master Auth linked to the current auth has been pushed to NMS already (otherwise, push the Master Auth to NMS).

E. Mail a complete copy of the NOI to Erie County Health Department (ECHD), Allegheny County Health Department (ACHD), or Delaware River Basin Commission (DRBC) if applicable, unless administrative staff is aware that the applicant mailed a copy directly to those agencies.

II. Prioritization and Assignment (Permits Chief)

Once Step I is completed by administrative staff, the NOI will be given to the Permits Chief. The Permits Chief will:

A. Prioritize the NOI in accordance with the "Permit Review Hierarchy" contained in the PDG Policy. The Permits Chief will note on the application file or a permit tracking sheet the hierarchy number as contained in the Policy.

B. Assign an application manager (i.e., "lead reviewer") to the NOI unless this has been done previously. The Permits Chief will enter the name of the application manager into eFACTS for the authorization unless administrative staff has already completed this step.

C. Optionally, route a copy of the NOI or a permit tracking sheet to Operations staff for a determination of non-compliance issues that may affect permit issuance.

D. Notify the regional Late Application Coordinator if the NOI is for a renewal of permit coverage and was submitted late.

III. Completeness Review (Application Manager)

Application managers should finish the Completeness Review within 10 business days of DEP's receipt of an NOI.

When the application manager receives the NOI from the Permits Chief, the application manager will:

A. Review the NOI for administrative completeness and overall technical adequacy. A complete and technically adequate PAG-10 NOI includes the following, not including the NOI fee that will be addressed in Step I:

1. Three (3) signed copies of the completed NOI.

2. If the NOI is for tank(s), a topographic map or sketch that identifies the facility and discharge point(s). For pipeline(s), a topographic map identifying the alignment of the pipeline(s) and potential discharge point(s). If discharge point(s) are not identified because they are not yet known, this is acceptable because of the 15-day notification requirement of the General Permit, and the coverage approval letter will make it clear that only eligible discharges may be approved under the General Permit.

3. Evidence that the discharger is eligible for coverage under the PAG-10 General Permit. The application manager will make this determination based on the eligibility criteria in the General Permit and 25 Pa. Code § 92a.54(e). Some of these criteria are to be considered on a case-by-case basis. For example, if a discharge is proposed to waters with a designated or existing use of High Quality or Exceptional Value, the discharge is not eligible for coverage under the General Permit.

4. No technical errors that are considered significant, at the discretion of the application manager.

    NOTE – In general, if the applicant submits an older NOI form that is not the most recent, the application manager may deem any information that is missing an insignificant or significant deficiency, at the application manager's discretion. If the NOI is not denied as a result, the application manager will notify the consultant or applicant that a more recent version of the NOI is available for future use.

B. Follow the procedures contained in the SOP for Management of Late NPDES Permit Renewal Applications (BPNPSM-ENF-001) if the application is for a permit renewal and was received late.

C. Complete the following data management tasks in eFACTS:

    1. Create, or otherwise review and edit, all Discharge Point (DP) SFs listed on the NOI if 10 or less. If greater than 10, create one DP SF per receiving stream (create the DP that is furthest downstream) identified in the NOI, and add a comment to the PF on the total number of DPs. For pipeline projects, if no DPs are identified on the NOI (because the applicant does not yet know where discharges may occur), create one DP at the approximate central point of the pipeline. Enter SF latitude and longitude. Snap DPs to the NHD using the NHD Locator Tool in eFACTS.

    2. Enter, or otherwise review and edit, the PF latitude and longitude, using the coordinates reported on the NOI or the central point of the site.

    3. Select, if necessary, the Type of Discharge ("Hydrostatic Test Water") and enter the Design Flow for each DP.

    4. Link all applicable SFs to the authorization record.

    5. Push the authorization from eFACTS to NMS. If the authorization cannot be pushed to NMS and if the problem(s) cannot be resolved by the application manager, the application manager will first work with administrative staff to resolve the problem(s) and then contact Central Office if administrative staff cannot resolve them.

D. If none of the criteria in A.1 – 4 are found to be deficient, the application manager will proceed to Step III I. No "completeness letter" will be issued.

E. If the applicant is determined to be ineligible for PAG-10 General Permit coverage (criterion A.3), the NOI will be returned using the template in NMS found at *Letters – Application Denial Letter*. The letter will provide the basis for the determination that the applicant is ineligible, using regulatory citations wherever possible. The application manager will choose one of the optional paragraphs for the letter as determined by the application type in eFACTS.

F. If the NOI is incomplete and the deficiencies are determined to be insignificant (i.e., an item that in the application manager's judgment can be corrected within one business day), the application manager will contact the applicant (or the applicant's authorized representative) <u>by phone</u> to explain the deficiency and offer the opportunity to submit the necessary materials informally by the end of the next business day to make the NOI complete. The application manager may or may not (at the application manager's discretion) follow up the phone call with an email to the applicant and/or consultant.

    NOTE – The application manager should attempt to communicate with the applicant directly. Where this fails, the application manager may attempt to communicate with the consultant, if any.

A phone log will be kept by each application manager 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. All phone logs will be retained with the application file during and following permit issuance, or otherwise a database or spreadsheet will be used and made accessible to allow others to check latest correspondence for a case if the application manager is out of the office.

In the event the application manager is unable to contact the applicant or consultant by phone within 5 business days, the application manager will proceed to Step III G (for new NOIs) or Step III H (for renewal NOIs). After the necessary materials have been received (receipt by email or fax is acceptable except when original signatures, plans or seals are needed), and assuming the NOI can then be considered complete, the application manager will then proceed to Step III I. If the submission does not correct the original insignificant deficiencies, the application manager will proceed to Step III G (for new applications) or Step III H (for renewal applications).

G. For **new** NOIs, if the applicant fails to submit the requested information by the next business day following a phone call (or multiple attempts to contact the applicant or consultant by phone), or if the deficiencies are determined to be significant, the application manager will prepare a letter that denies the NOI, for the Program Manager's signature. The template in NMS found at *Letters – Application Denial Letter* will be used. The eFACTS authorization record will be closed out by using the disposition code "Denied." A subtask of "DENC" (Application Incomplete – Denied) will be entered into eFACTS against the Completeness Review Task, with start and end dates corresponding to the date of the letter. The NOI fee will not be returned. A new NOI fee will be required as part of a resubmission.

H. For **renewal** NOIs, if the applicant fails to submit the requested information by the next business day following a phone call (or multiple attempts to contact the applicant or consultant by phone), or if the deficiencies are determined to be significant, the application manager will transmit a letter identifying the deficiencies. The template in NMS found at *Letters – Renewal Application Incomplete Letter* will be used. The application manager will enter a subtask of "SDN" (Send Deficiency Notice/Receive Response) into eFACTS with a start date corresponding to the date of the letter.

If the renewal NOI is satisfactorily corrected prior to the expiration date, the application manager will issue an administrative extension letter using the NMS template at *Letters – Administrative Extension Letter*. If the renewal NOI is not corrected prior to the expiration date, the application manager will notify the regional Operations Section for possible enforcement.

I. Enter an end date for the "COMPL" subtask, when the NOI is deemed complete.

IV. **Finalization of General Permit (Application Manager)**

NOTE – In general, technical deficiency letters will not be issued for NOIs. If the NOI is complete and technically adequate, the application manager will proceed to develop the permit documents.

Applications/NOIs will be reviewed in order of priority; in the event of a conflict, the matter will be resolved by the Permits Chief.

Once Step III is completed by the application manager, the application manager will:

A. Enter a "DR" (Decision Review) subtask in eFACTS under the Technical Review task, with a start date corresponding to the date following the determination that the application is complete.

B. For renewals, verify that an inspection has occurred in the past five years.

The application manager will review the Inspections file and/or run the NMS query at *Inspections & Inspectors – Inspections – Inspection History by Permit* to verify that an inspection has been done at the facility within the past five years. If not, the application manager will request that regional Operations staff schedule an inspection. The application manager will not, however, wait for the inspection to occur before issuing the permit.

Application managers will generally not visit PAG-10 facilities.

C. For new and existing facilities, application managers will run the NMS Query at *Violations – eFACTS – Open Violations for Client by Permit No.* to determine whether there are any unresolved violations associated with the client that will affect issuance of the permit (per CSL Section 609). Additionally, application managers will (1) verify compliance history with compliance staff and (2) review recent inspection reports.

NOTE – If the option in Step II C is exercised, this step may be omitted.

The application manager will document findings that the facility or client is in non-compliance on the permit review checklist.

D. Complete the following data management tasks:

1. The anticipated effective and expiration dates of coverage will be entered into NMS.

2. If the facility is an eDMR user, limits and monitoring requirements will be coded in NMS by copying from the appropriate template. Application managers may use the NMS query at *eDMR – User Info – Is Facility Using eDMR?* to determine whether a facility uses eDMR.

3. The PAG-10 permit document, DMR, and coverage approval letter will be generated, edited as needed, and saved to NMS. The templates that will be used are in the *PAG-10* folder and are named *PAG-10 Permit* (select the appropriate DMR) and *PAG-10 Coverage Approval Letter*.

   In lieu of a fact sheet, the application manager will generate the NMS template at *PAG-10 – PAG-10 Checklist*, check boxes to confirm that the necessary elements of the completeness review are satisfactory, optionally add comments, save and print the checklist, and sign it for the final permit package.

4. The documents identified in IV.D.3, above, will be set to a status of Final and a disposition of Pending. There will be only one version of each of these documents. The permit document, in Word, will have the effective and expiration dates of coverage identified.

5. Print the documents generated through NMS, assemble the final permit package, and submit the package with the NOI to the Permits Chief.

V. Final Review (Permits Chief)

The Permits Chief will complete the following tasks upon receipt of the final permit package:

A. Review the final permit documents and sign the fact sheet, if applicable, if the Permits Chief is in agreement, or otherwise return the final permit package to the application manager for edits.

B. Verify that the minimum required documents from Step IV are in NMS as Final – Pending documents.

C. Verify that any applicable permit coordination has been completed.

Where other DEP permits are required and coordinated permit issuance is determined to be necessary, the Permits Chief will notify the Program Manager and Assistant Regional Director that the NPDES permit is ready for issuance, and the application manager will enter a "CRR" subtask (B/E Coordinated Application Required) into eFACTS, with a start date corresponding to the day after the end of the PA Bulletin comment period and an end date on the date of final permit issuance when authorization is given to issue the permit.

D. If there are unresolved violations associated with the facility, the Permits Chief will discuss the matter with regional counsel and the Program Manager to decide whether the General Permit coverage will be issued, will be denied, or whether issuance should be held for the development of an enforcement document. If issuance of coverage will be delayed for this reason, a "NC" (Non-Compliance Prohibits Final Decision) subtask will be entered under the Technical Review task.

E. Submit the final permit package to the Program Manager.

VI. Final Decision (Program Manager)

The Program Manager will complete the following tasks upon receipt of the final permit package:

A. Review the final permit documents.

B. Sign the final permit cover letter and the first page of the permit document if the Program Manager is in agreement with the content, or otherwise return the package to the Permits Chief for edits.

C. Submit the final, signed permit package to administrative staff or the application manager (at regions' discretion).

VII. Final Processing (Administrative Staff or Application Manager)

Administrative staff or the application manager will complete the following tasks upon receipt of the final, signed permit package:

A. Open the permit document in NMS, enter the issuance date on Page 1, apply a signature indicator ("/s/") on Page 1, and ensure that the correct effective and expiration dates are on Page 1.

B. Change the Disposition of the final permit cover letter, final permit, Annual Report and all other documents that will be part of the final permit package issued to the applicant from "Pending" to "Issued (Mailed)." Change the Disposition of documents that are not part of the final permit package from "Pending" to "Complete." Ensure there are no documents in the list with a Disposition of "Pending".

C. Enter an end date for the "DR" subtask in eFACTS corresponding to the issuance date.

D. Issue the authorization in eFACTS.

NOTE – Documents will be changed to a Disposition of "Issued (Mailed)" on the same day as the authorization is issued in eFACTS.

E. Make copies, and mail the copies to the applicant, consultant, ECHD, ACHD and DRBC, as applicable, with a copy to Central Office Division of Operations, Monitoring and Data Systems and other appropriate staff. The final permit cover letter will not be sent via Certified Mail. The checklist completed by the application manager will not be mailed.

F. Generate and save the PA Bulletin listing for the final permit issuance using the appropriate template in NMS.

G. Transmit the case files to the regional file room.

Version History

Date	Version	Revision Reason
7/16/2013	1.3	Updated Section II to indicate that the Permits Chief will notify the regional Late Application Coordinator if a permit renewal application has been submitted late. Updated Section III to indicate that incompleteness letters will be sent to permittees if a renewal application is significantly deficient.
3/7/2013	1.2	Added a reference to the Program Clarification Memo on Permit Coordination in the introduction, and removed the requirement for Permits Chiefs to verify coordination requirements in Section II before the completeness review. Added requirement to code limits into NMS if eDMR is used.
12/31/2012	1.1	Clarified in Section I. A.2 that if a fee is missing, it should be treated as an underpayment in accordance with the Management Directive.
11/9/2012	1.0	Original