

**Standard Operating Procedure (SOP)<sup>1</sup> for Clean Water Program  
Review of Sewage Facilities Planning Module Application Mailer and Requests  
for Planning Exemptions  
SOP No. BPNPSM-PLNG-002  
Final, June 11, 2014  
Version 1.0**

This SOP describes the procedures by which the Clean Water Program will review and process Sewage Facilities Planning Module Application Mailers (Application Mailers) and Requests for Planning Exemption Reviews (Exemptions) for New Land Development. The purpose of the Application Mailer is to request the planning modules necessary for the new land development or to request a planning Exemption. The SOP is organized sequentially by activities that will 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 Department of Environmental Protection's (DEP) Policy for Implementing DEP's Permit Review Process and Permit Decision Guarantee (021-2100-001) ("PDG Policy"). Application Mailers and Exemptions **ARE NOT** part of the PDG.

The Pennsylvania Sewage Facilities Act, commonly known as Act 537 (the "Act"), and DEP regulations are silent on the time it should take DEP to act on an Application Mailer and/or an Exemption. DEP's regulation, 25 Pa. Code §71.51, speaks to the requirements necessary for a project to be granted an exemption from planning. Neither the Act nor the regulations mention the need for DEP to conduct a completeness review of the Exemption request. However, Section 5(e)(2) of the Act, states in part that DEP shall determine if a submission is complete within 10 working days of its receipt. Therefore this SOP recommends that DEP determine whether a submission for an Exemption is complete within 10 working days of its receipt by DEP. This SOP also recommends that DEP approve or disapprove the Exemption within 10 working days from the date DEP determines a submission to be complete. Additionally, this SOP recommends that Application Mailers are acted upon within 10 working days or sooner.

When DEP has delegated the authority to a local agency, multi-municipal local agency or county or joint county department of health the power and duty to review and approve Exemptions, the delegated agency should follow similar review times as DEP. It is recommended that the delegated agencies develop or modify their own SOPs for the review and processing of Application Mailers and Exemptions. The delegated agency's SOP should be in alignment with DEP's PDG Policy.

**NOTE:** Although this SOP makes reference to Sewage Facilities Planning Supervisors (Planning Supervisors), it is duly noted here that not every Region has a Planning Supervisor. If a Planning Supervisor does not exist, the Sewage Facilities Planning Chief (Planning Chief) will implement the steps in this SOP assigned to the Planning Supervisor.

**NOTE:** It is noted that where District Offices exist, Application Mailers and Exemptions may be mailed directly to the District Offices by the applicant (or the applicant's authorized representative). There is no intent to change that procedure.

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<sup>1</sup> **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.

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**I. Preliminary Data Management (Administrative Staff and/or Sewage Planning Specialist (SPS))**

Although no regulatory review time exists for DEP to review and act on Application Mailers and Exemptions, DEP has routinely acted on Application Mailers as soon as possible and on Exemptions within 10 working days. DEP will act on complete submissions only and will have 10 working days to determine if the submission is complete (per the Act). In fitting this review time within the PDG Policy and its steps for consistency, it is imperative that Application Mailers and Exemption submissions be administratively processed as soon as they are received.

The timeline for DEP to review Application Mailers and Exemptions is:

- Completeness review – 10 working days from its receipt. Steps I – III should be completed within these 10 working days. This SOP recommends that Step I is completed by the end of the next working day after its receipt.
- Technical review – 10 working days from the end of the completeness review to the date on DEP's approval/disapproval letter or the date on the checklist letter and module packet. Steps IV – VI should be completed within these 10 working days.

**NOTE:** Although this SOP is written within the framework of the PDG Policy, it is recommended that the completeness review and the technical review be completed simultaneously on Application Mailers and Exemptions due to the time constraints.

**NOTE:** Application Mailers should come in for all requests for Sewage Facilities Planning Module Component 2 (C-2) and 3 (C-3) packets. This enables the application manager to prepare a DEP "Checklist" letter specific to the needs of the project to advise the applicant upfront what is required and thereby prevent a potential denial or technical deficiency issue that would hold up the start of the project.

**NOTE: For Application Mailers only** – If Step I.A is performed by the SPS, the SPS should check if Sections 1 - 7 of the Application Mailer is properly completed at this time. If they are not, proceed to Step III.D.1.b. If they are, proceed with Step I.A.

**NOTE:** Although Step I.A below refers to administrative staff performing the data management steps in this SOP, Regional or District Office personnel assignments may be different.

A. When a new Application Mailer or Exemption is received, administrative staff will promptly:

1. Record the month, day and year received (authorization received date) on the Application Mailer or Exemption and any loose attachments. Recording the time is optional.
2. Attach a route sheet (form letter **P1ng-1**), which will stay with the project file, to the Application Mailer or Exemption.
3. Assign the Application Mailer or Exemption a "DEP Code Number".
4. Record the "DEP Code Number" onto the route sheet and the Application Mailer or Exemption.
5. Exemption processing should continue with Step I.B below. Application Mailer processing should continue with Step I.B.5. Application Mailers are not input into eFACTS.

B. At this point, if the Regional or District Office policy is to have the SPS input the project into eFACTS, then administrative staff should route the Exemption to the appropriate SPS for that area. Otherwise, administrative staff should continue with eFACTS entry, Step I.B.1.

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1. The Exemption will be properly entered into the eFACTS database according to [eFACTS guidance](#) on PRP/PDG, Sites and Clients. A diligent effort is expected in regards to cross referencing clients and sites so appropriate linking of records can occur and duplicate record entry is avoided. Any numbers or codes that eFACTS generates specific to the entry of the new project will be recorded on the Exemption itself. For instance, the creation of a planning exemption record in eFACTS will generate an APS, Client, Site and Auth Id number that must be recorded on the Exemption and route sheet for future reference.

**NOTE:** If the Exemption will be linked to an already existing Site, and that existing Site had previously been denied, the status of that Site will be “Proposed But Not Materialized”. The addition of a new authorization being linked to the existing site does not automatically change the status of the Site back to “Active”. You must bring up the existing Site and manually change the status back to “Active”.

2. On the Applications Screen, Authorization Tab, General Tab, enter the date the application was stamped (“Recvd”), enter the date the staff creates the authorization (“Admin”) and enter the lead reviewer (“Lead Review”) as either the Planning Supervisor or if the Planning Supervisor already identified the application manager, then enter the assigned application manager (if the SPS is entering the eFACTS information, then they are the lead reviewer). In some offices, the SPS already has an assigned geographic area.

**NOTE:** The lead reviewer can be changed at any time and is, for the purpose of this SOP, also referred to as the “application manager.”

3. If a consultant is identified on the Exemption form, then the consultant’s information should be input into eFACTS on the Applications Screen, Authorization Tab, Consultant Tab. Consultants are tracked as clients in eFACTS. An existing client can be selected as the consultant or a new client can be created as the consultant. The consultant’s information can be found in the “Return Address” or on the maps accompanying the Exemption.
4. On the Authorizations Screen: The Standard Task “Completeness Review (COMPL) Begin Date” should automatically populate with the authorization received date. Input the same date into the completeness review Subtask “B/E Completeness Review (COMPL) Begin Date”.
5. *Regional office staff (either administrative or SPS)* should fill out the route sheet and route the Application Mailer or Exemption to the Planning Supervisor. Specific office policy may require that any time the application changes hands, the application should go through the administrative staff.

*District office staff (SPS)* should brief the Planning Supervisor weekly on the applications received so that the Planning Supervisor could assess coordination needs and prioritize the projects. In general, a weekly email to the Planning Supervisor that identifies applications received is acceptable.

## **II. Coordination, Prioritization and Assignment of Application Manager (Planning Supervisor)**

Once Step I is completed by administrative staff and/or application manager, the application will be routed to the Planning Supervisor. The Planning Supervisor as soon as possible will:

- A. Determine whether coordination with other applications or programs is required. If this is the case, the Planning Supervisor will note this on the Application Mailer or Exemption route sheet so that the application manager is aware of needed coordination.

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- B. Prioritize the Planning Exemptions and Application Mailers in accordance with the "Permit Review Hierarchy", Section II.B of the PDG Policy. The Planning Supervisor will note on the Application Mailer or Exemption route sheet the hierarchy number as contained in the policy.
- C. Assign an application manager to the Application Mailer or Exemption unless this has been done previously. If the Planning Supervisor assigns the application manager or changes the application manager, then the Planning Supervisor will enter this information into eFACTS on the Application Screen, Authorizations tab, "Lead Review" section.
- D. If the Planning Supervisor determines that the processing time for technical review completion is different than the review times on page 1 of this SOP, then the Planning Supervisor will record this date on the Application Mailer or Exemption route sheet. This processing time shall NOT include the completeness review time of 10 working days.
- E. Route the Application Mailer or Exemption to the application manager.

**III. Completeness Review (Application Manager)**

When the application manager receives the Application Mailer or Exemption from the Planning Supervisor, the application manager will:

- A. Check the route sheet to determine if there is a need to coordinate the Exemption review or, from the Application Mailer, the pre-application soil and site testing (if not already completed), with another application or program. If the Planning Supervisor indicated, or the application manager determines that there is a need for coordination, the application manager will set up the coordination. This coordination could take the form of emails, phone conversations, meetings, etc.
- B. Check the route sheet or other records to see if the applicant (or the applicant's authorized representative) requested a pre-application meeting. If they did, the application manager will set one up.
- C. Check the route sheet for the authorization hierarchy number and place it in the work load queue appropriately.

**NOTE: The completeness review shall be fully completed before a determination (see Section III.G) is made on how to proceed with any administrative incomplete issue(s) that exist.**

- D. When the application is at the top of the queue, the application manager will check the following:
  - 1. Sections 1–7 of the Application Mailer should be completely filled out to request module forms.
    - a. If the Application Mailer is properly completed, proceed to Step VI.F.
    - b. If the Application Mailer is not properly completed, contact the applicant to resubmit a complete application. No further work will be performed on this project until a properly completed Application Mailer is submitted.
  - 2. Sections 1–6 and Section 8 of the Application Mailer should be completely filled out if this is an Exemption request.

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- E. Review the application for administrative completeness and overall technical adequacy. The Exemption shall include the following:
1. The appropriate signature(s) should be either in Sections 8.c.1-3 or Section 8.d of the Exemption.
  2. The Pennsylvania Natural Diversity Inventory (PNDI) search and resolution should follow the guidelines in the latest version of DEP's "Policy for Pennsylvania Natural Diversity Inventory (PNDI) Coordination During Permit Review and Evaluation" (Document No. 021-0200-001). The PNDI Review Receipt must be included. Applicable jurisdictional clearance letters for any identified potential impacts must be included or a **concurrent review** as discussed in the PNDI Policy should be identified. The PNDI Receipts must not be older than two years from the date of the screening or if clearance letters are attached, the clearance letters from all jurisdictional agencies must not be older than two years from the date of issuance of the clearance letter.
- NOTE:** If the applicant requests that we perform the PNDI search for them, DEP responsibility only lies with conducting the search. All other PNDI resolution issues are the responsibility of the applicant. Jurisdictional agency(ies) responses or lack thereof within DEP's review time may lead to a denial of this project.
- NOTE:** The option for DEP to conduct the search should be limited to only those situations where the applicant does not have access to the Internet.
3. A plot plan showing the subdivision with all lot lines mapped, all roads mapped, and either all soil tests mapped (at least two per lot) or all sewage collection and conveyance lines mapped.
  4. For onlot sewage disposal systems: "Site Investigation and Percolation Test Report(s)" for all suitable and unsuitable soil profile examinations and percolation tests. All reports must be signed by the person conducting the testing. This may or may not be the sewage enforcement officer (SEO).
  5. For public sewerage service: Written certification from all collection, conveyance and treatment facility authorities or municipalities, stating that each has capacity and that no hydraulic and/or organic overload exists or is projected within the next 5 years. The path of the sewage from point of origin to final discharge may go through several municipalities and each one must fill out a written certification.
- F. If none of the criteria in Step III.D.2 and Steps III.E.1-5 are found to be deficient, the application manager will proceed to Step III.H.1. No "completeness letter" will be issued.
- G. If the Exemption is administratively incomplete, the application manager will make a decision as to whether the deficiencies are insignificant or significant:
1. If the deficiencies are determined to be insignificant (i.e., an item that in the application manager's judgment can be corrected within 1 or 2 business days), the application manager will contact the applicant (or the applicant's authorized representative), the SEO, the sewer or municipal authority or the municipality by phone to explain the deficiency and offer them the opportunity to submit the necessary materials informally to make the application complete. It is up to the discretion of the application manager as to the amount of time to allow them to submit the necessary information; i.e., end of the next business day, last day of the completeness review or somewhere in between. **Please note that we cannot "stop the clock" on our review time.** The application manager may or may not (at the application manager's discretion) follow up the phone call with an email to the applicant (or the

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applicant's authorized representative), the SEO, the sewer or municipal authority or the municipality.

All contacts made to resolve completeness and technical issues should be fully documented on or attached to the route sheet and retained with the application file.

After the necessary materials have been received (receipt by email or fax is acceptable except when original signatures, plans or seals are needed), the application manager will review them.

- a. If the requested items are adequate, and the Exemption can be considered complete, the application manager will then proceed to Step III.H.1.
- b. If the requested items are not adequate and they do not correct the original insignificant deficiencies, the application manager will prepare and issue a **denial** letter as noted in Step III.G.3 below.

In the event the application manager is unable to contact the applicant (or the applicant's authorized representative), the SEO, the sewer or municipal authority or municipality by phone within the completeness review timeframe, the application manager will prepare and issue a **denial** letter as noted in Step III.G.3 below.

2. If the deficiencies are determined to be of a more significant nature, such that the corrected deficiencies would need to go through the municipality prior to being submitted to DEP, or that the deficiency could not possibly be corrected in time, the Exemption submission should be considered administratively incomplete. The application manager will prepare and issue a **denial** letter as noted in Step III.G.3 below.
3. The application manager will prepare for the Planning Chief's signature, a **denial** letter (form letter **Plng-8A**) **due to** the application being **administratively incomplete**. It will be addressed to the municipality and will specify where the Exemption application failed to provide the information necessary for DEP to make an adequate decision. The letter will include specific statutory and regulatory citations, as well as citing application instructions and guidance language where necessary. It should clearly state that any resubmission will be treated as a completely new submission and that the technical review will not begin until DEP is satisfied that the submission is complete. The letter should be reviewed by the Planning Supervisor prior to being signed by the Planning Chief. Copies of this letter should be forwarded to all applicable: the developer, the consultant, the SEO or the municipal or sewer authority, the local and county planning agencies, the SPS, the Planning Engineer, the Planning Chief and the Regional or District file. In certain circumstances, copies may need to be sent to another agency or bureau. Proceed to Step III.H.2.

H. Complete the following data management tasks in eFACTS:

1. For a submission that is administratively complete:

On the Authorizations Screen: Delete any subtasks not being used and enter the date the completeness review Subtask is finished in "B/E Completeness Review (COMPL) End Date".

**NOTE:** On the Authorization Screen: The completeness review Standard Task "Completeness Review (COMPL) End Date" will automatically populate with the end date you input in the completeness review Subtask above.

2. For a submission that is administratively incomplete:

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- a. On the Authorizations Screen: Populate the completeness review Subtask “Application Incomplete – Denied (DENC) Begin Date” and “End Date” with the date on the denial letter.

**NOTE:** On the Authorizations Screen: Do not populate the completeness review Subtask “B/E Completeness Review (COMPL) End Date” or the system will automatically begin the technical review and will not let you deny the exemption at this point.

- b. On the Applications Screen: Authorizations Tab, General Tab, populate the disposition status (“Disp Status”) as DENIED and date disposed “Disposed” as the date on the denial letter. Proceed to Step VI.D.

#### **IV. Technical Review (Application Manager)**

Once an Exemption is accepted as complete, the application manager will perform a detailed technical review and should make a decision on the Exemption by the 10th working day from the date DEP determined the application complete, or sooner if possible.

**NOTE: The technical review shall be fully completed before a determination (see Section IV.K) is made on how to proceed with any technical deficiency(ies) that exist.**

The technical review will determine if the Exemption contains all of the scientific and engineering information necessary to address specific regulatory requirements and protect public health and the Commonwealth’s environment. The absence of any of the following does not necessarily mean the Exemption should be denied. A final decision of approval or disapproval will be made at the end of the technical review. Applications will be reviewed in order of due date unless noted otherwise by the Planning Supervisor.

- A. On the eFACTS Authorization Screen, the application manager will populate the Standard Task “Technical Review (TECH) Begin Date” as the same day as or the next business day after the “End Date” of the “Completeness Review (COMPL) Standard Task”.
- B. On the Authorization Screen: Populate the technical review Subtask “Decision Review (DR) Begin Date” as the same date in Step IV.A above.
- C. The application manager should coordinate with others who may be involved with the review of the application, as appropriate, particularly those identified by the Planning Supervisor on the route sheet. This may or may not have already occurred during Step III.A, or, there may be a need for additional coordination. This coordination may take the form of emails, phone conversations, meetings, etc. This coordination and discussion should occur as early as possible in the process.
- D. A site visit may be conducted by the application manager if deemed necessary to clarify or verify information in the Exemption.
- E. The application manager should review the plot plan, checking location of lots, size of lots, soils tests or sewer lines, isolation distances, rights-of-way, easements, wetlands, streams, etc., to determine the feasibility of the project. The plot plan must be prepared or previously prepared by a registered surveyor.
- F. The project type and outline should be accurate on the PNDI “Project Environmental Review Receipt” included with the Exemption. The search should be done on the complete project, including the residual tract, if any. All supporting documentation from jurisdictional agencies

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(when necessary) must be included or submitted to DEP before the end of the technical review due date (if applicant working on clearances concurrently with DEP review).

**G. For onlot sewage disposal systems:**

1. The application manager should check the physical location of the project against the municipality's official plan to make sure the project is not in an area with carbonate geology or that no wells with nitrates greater than 5 mg/l are present within a quarter mile of any part of the entire subdivision, including the residual tract. If either condition is present, **deny** the Exemption according to Step VI.B. If the official plan has no wells with high nitrates within a quarter mile, proceed to Step IV.G.2. If the municipality has no official plan and no information is available about the nitrates in the groundwater in the area, the application manager should check for carbonate geology on DEP's eMapPA ([www.emappa.dep.state.pa.us](http://www.emappa.dep.state.pa.us)) or other available geologic maps. If these maps show the project is underlain by carbonate geology, discuss with the regional hydrogeologist, Planning Supervisor or Planning Chief on how to handle the issue.
2. The application manager should check the physical location of the project in relation to any high quality or exceptional value (HQ/EV) streams. If the project falls within a HQ/EV watershed, the proposal does not qualify for a planning exemption. The application manager should issue a **denial** letter according to Step VI.B.
3. The application manager should check the physical location of the project against the official plan, making sure that the project is proposed for an area of the municipality that is to be served by onlot sewage disposal facilities and not located in an existing or future sewer service area of the municipality.
4. The proposed lots and the residual lot, if any, must be 1 acre or larger.
5. The proposed lots and the residual lot, if any, must have 2 proposed onlot soil absorption areas and these absorption areas must be shown on the plot plan. It is good practice that a deed restriction or other proper instrument should be in place protecting the replacement area from damage which would make it unsuitable for a replacement system.
6. The application manager should review the soils evaluation and determine if the soils evaluation is technically adequate and if enough soils tests were conducted to document that 2 separate sites exist for permittable primary and replacement areas for both the proposed development and the residual tract. If the current local agency SEO is not the SEO who observed or conducted the soils testing, a "Verification of Prior Testing" report (Document No. 3800-FM-BPNPSM0290B) must be completed and signed by the current SEO accepting the prior soils evaluation. Assess if the current SEO properly accepted the prior test results or should he have conducted additional soil testing.
7. If the project proposes an individual residential spray irrigation system (IRSIS), check that the Exemption discusses the potential choice(s) for the management and oversight of the system for the life of the system that will be provided during the permitting process. One or more of the management provision(s) listed in 25 Pa. Code §72.25(h) must be considered. The application manager should be comfortable that the potential method of operation and maintenance (O & M) is sufficient for the project.

**H. For public sewerage service:**

1. The sewer system must be owned and operated by a municipality, a municipal authority or a private entity holding a Public Utility Commission (PUC) Certificate of Public Convenience. A proposed project connecting to or proposing an extension to a privately (non-PUC regulated)



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owned collection, conveyance and treatment facility does not qualify for a planning exemption. If the sewer system is privately owned, the application manager will issue a **denial** letter according to Step VI.B.

2. The municipality must have a current, approved official plan and must be satisfactorily implementing it.
  3. The application manager should check the physical location of the project against the official plan, making sure that the project is proposed for an area of the municipality that is to be served by existing or proposed public sewers (the existing or future sewer service areas of the municipality).
  4. The application manager should check that the existing collection, conveyance and treatment facilities are in compliance with The Clean Streams Law and the rules and regulations thereunder. This can be done by checking eFACTS or contacting the appropriate field inspector for the facility in the field operations section. If there is an on-going history of violations, consult with the Planning Supervisor on how to handle the situation.
  5. The application manager should check with appropriate staff who review the Chapter 94 reports for this facility to make sure that the facility does not have an existing hydraulic or organic overload or a 5-year projected overload. Exemptions should not be approved for a sewage treatment facility that is proposed but not yet constructed nor should an exemption be approved for a brand new sewage treatment facility that has yet to determine their hydraulic and organic current and projected loadings (i.e., not yet submitted a Chapter 94 report to DEP).
  6. Review the written certification from the permittees of all the collection, conveyance and treatment facilities to the municipality where the proposed project is located, that there is capacity to receive, carry and treat the sewage flows from the proposed new land development, and that this additional wasteload will not create a hydraulic or organic overload or a 5-year projected overload. The sewage flow may travel through permitted facilities in several municipalities, thereby necessitating several written certification letters.
  7. The proposed project does not qualify for a planning exemption if the sewage facilities will require a new or modified permit from DEP under The Clean Streams Law (i.e., if the project will require new treatment facilities or an expansion to an existing facility). If a permit will be required, the application manager will issue a **denial** letter according to Step VI.B.
- I. If none of the criteria in Steps IV.A–F and Step IV.G or Step IV.H are found to be deficient, the application manager will proceed to Step VI.A.
  - J. After reviewing the Exemption, the application manager may decide that the project does not require sewage facilities planning because none of the criteria that trigger the need for planning have been met. If this is the case, proceed to Step VI.C.
  - K. If, after the technical review is complete, it is determined that the Exemption has a technical deficiency(ies), the application manager will make a determination on whether the deficiency(ies) is/are significant or non-significant.
    1. In general, non-significant deficiencies are those that can be corrected quickly by the applicant (or the applicant's authorized representative), the SEO, the sewer or municipal authority or the municipality with minimal processing delay. The application manager may place a call to the applicant (or the applicant's authorized representative), the SEO, the sewer or municipal authority or the municipality to determine if the information can be received at the DEP office by the close of business the next day.

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- a. If the applicant (or the applicant's authorized representative), the SEO, the sewer or municipal authority or the municipality indicates that the response time is not feasible, or if the requested information does not arrive by the close of business the next working day, the application manager will prepare a **technical deficiency** letter according to Step IV.K.3 below.
  - b. If the requested information is not adequate upon receipt and it does not correct the original insignificant technical deficiencies, the application manager will prepare a **technical deficiency** letter according to Step IV.K.3 below.
  - c. If the requested information is adequate upon receipt, and the Exemption can now be approved, the application manager will proceed to Step VI.A.
2. In the event of a significant deficiency, the application manager will immediately prepare a **technical deficiency** letter according to Step IV.K.3 below.
  3. The application manager will prepare a **technical deficiency** letter (form letter **Plng-5**) for the Planning Supervisor's signature to the municipality specifying the specific statutory and regulatory obligations, including appropriate citations that the Exemption failed to meet. Project specific comments will be added at the discretion of the application manager. The letter may offer an opportunity to meet and discuss the deficiencies. The letter will include a deadline for submission of the deficient information. **A short deadline should be given consistent with the goal of completing review of the Exemption in 10 working days. Additional time may be given if circumstances warrant, but no more than 15 working days should be allowed according to the PDG Policy.** Copies of the letter should be forwarded to all applicable: the developer, the consultant, the SEO or the municipal or sewer authority, the local and county planning agencies, the SPS, the Planning Engineer, the Planning Supervisor and the Regional or District file.
- NOTE: One and only one technical deficiency letter will be sent.** Therefore, the technical review of the module should be completed prior to sending the technical deficiency letter and all deficiencies should be addressed in the letter.
4. The application manager should enter the eFACTS Authorizations Screen and populate the technical review Subtask "Send Deficiency Notice/Receive Response (SDN) Begin Date" as the date on the letter, the "Due Date" as the date stated in the letter.
- L. When the requested information is received, the application manager will enter the eFACTS Authorizations Screen and populate the technical review Subtask "Send Deficiency Notice/Receive Response (SDN) End Date" with the date that the supplemental information was received.
1. The application manager will determine if the information is adequate and if the Exemption can now be approved. If so, proceed to Step VI.A.
  2. If the Exemption is not made technically adequate within the established time frame, the Exemption will be subject to the Elevated Review Process per the PDG Policy.

**NOTE:** Applicants (or the applicant's authorized representative) may request the project be subject to the Elevated Review Process prior to DEP's final decision as per the November 13, 2012 memo from Mr. Dana Aunkst, Deputy Secretary of Field Operations concerning program clarification of the Elevated Review Process.

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- a. The application manager should enter the eFACTS Authorizations Screen and populate the technical review Subtask "Elevated Review Process (ELEV) Begin Date". Populate the "Due Date" with the date that is 15 business days from the "Begin Date".
- b. Route the Exemption to the Planning Supervisor and brief them on the project and circumstances leading to the elevated review.

**V. Elevated Review Process (Planning Supervisor to Bureau Director)**

Applications that are technically deficient, and for which the deficiencies have not been resolved satisfactorily within the established time frame in eFACTS, for any reason, will be subjected to the Elevated Review Process. This process will include the following:

- A. The chain of command will be briefed of the elevated review starting with the Planning Supervisor, if applicable. The briefing should go all the way to the Regional Director. The Planning Supervisor or the Planning Chief should arrange a time to discuss the project and its deficiencies with all involved DEP review staff.
- B. Staff will agree on a direction for final review of the Exemption application which may include contacting the applicant and/or consultant. If this meeting or call results in a resolution, the Regional Director may provide the applicant an additional 10 business days to respond, or have staff proceed with final Exemption approval or denial processing. If a resolution cannot be reached, the deficiencies must be elevated to the Bureau of Point and Non-Point Source Management Director for review. The Bureau Director will provide direction on the Exemption decision.
- C. The Elevated Review Process will receive the highest priority and will be completed by the Bureau Director within 15 business days (or less) of first notification by the Program Manager.
- D. The application manager should enter the eFACTS, Authorization Screen and populate the technical review Subtask "Elevated Review Process (ELEV) End Date" with the date that the decision to issue or deny is made.

**VI. Exemption Decision (Application Manager, Planning Supervisor and Planning Chief)**

**NOTE:** If the applicant had elected to handle PNDI coordination concurrently with DEP's review of the Plan, Plan Update or Minor Update Revision, do not issue the decision letter until all jurisdictional agency(ies) clearances have been received. The application manager should enter the eFACTS Authorization Screen and add the technical review Subtask "Pending other agency comments/approvals (PAC)".

Prior to the final decision on the Exemption, the application manager will brief the Planning Supervisor and/or Planning Chief on the final decision to be granted. The briefing may be accomplished through a phone call or email.

**NOTE:** Application managers in District Offices have the discretion of sending the final letter to the Regional Office for the Planning Chief's signature either by mail, email, or fax. The final letter will be signed and mailed out from the Regional Office. Notice will then be given to the application manager when the letter has been signed so that the application manager can proceed with closing out the application in eFACTS.

- A. **Approval:** Exemption applications that are complete and that adequately demonstrate they meet all statutory and regulatory requirements with no remaining deficiencies, will be approved. The

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application manager will prepare for the Planning Chief's signature the approval letter (form letter **Plng-7A**) to the municipality. Project specific comments will be added at the discretion of the application manager. The letter should be reviewed by the Planning Supervisor prior to being signed by the Planning Chief. Copies of this letter will be forwarded to all applicable: the developer, the consultant, the SEO or the municipal or sewer authority, the local and county planning agencies, the SPS, the Planning Engineer, the Planning Chief and the Regional or District file. In certain circumstances, copies may need to be forwarded to another agency or bureau.

**NOTE:** The approval letter may contain additional or clarifying information or items that will need addressed prior to the issuance of an onlot sewage disposal permit by the local agency, such as a signed O & M agreement for the system.

Once the letter has been signed, the application manager will enter eFACTS and close out the following:

1. On the Authorization Screen: Populate the technical review Subtask "Decision Review (DR) End Date" with the date on the approval letter.

**NOTE:** On the Authorization Screen: The technical review Standard Task "Technical Review (TECH) End Date" will automatically populate with the end date you input in Step VI.A.1.

2. On the Applications Screen: Authorizations Tab, General Tab, populate the disposition status ("Disp Status") as ISSUED and disposed ("Disposed") as the date on the approval letter.

3. Proceed to Step VI.D.

- B. **Denial:** Exemption applications for projects that do not qualify as an exemption from sewage facilities planning for new land development or possess technical deficiencies after the technical deficiency letter, and cannot adequately demonstrate that they meet all statutory and regulatory requirements unless those deficiencies are addressed, will be denied. The application manager will prepare for the Planning Chief's signature the denial letter (form letter **Plng-8C** or **Plng-8B**) to the municipality. Project specific comments will be added at the discretion of the application manager. The letter should be reviewed by the Planning Supervisor prior to being signed by the Planning Chief. Copies of this letter will be forwarded to all applicable: the developer, the consultant, the SEO or the municipal or sewer authority, the local and county planning agencies, the SPS, the Planning Engineer, the Planning Chief and the Regional or District file. In certain circumstances, copies may need to be forwarded to another agency or bureau.

Once the letter has been signed, the application manager will enter eFACTS, and close out the following:

1. On the Authorization Screen: Populate the technical review Subtask "App Technically Deficient-Denied (DENT) Begin Date" and "End Date" with the "Elevated Review Process (ELEV) End Date".
2. On the Authorizations Screen: Populate the technical review Subtask "Decision Review (DR) End Date" with the date on the denial letter.

**NOTE:** On the Authorizations Screen: The technical review Standard Task "Technical Review (TECH) End Date" will automatically populate with the end date you input in Step VI.B.2.

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3. On the Applications Screen: Authorizations Tab, General Tab, populate the disposition status ("Disp Status") as DENIED and disposed ("Disposed") as the date on the denial letter.
  4. Proceed to Step VI.D.
- C. **No Further Planning Needed:** Exemption applications that do not trigger any of the criteria that mandate planning will be returned. The application manager will prepare for the Planning Chief's signature the no planning needed letter (form letter **PIng-3**) to the municipality. The letter will state the specific reason(s) that further sewage facilities planning is not necessary. Project specific comments will be added at the discretion of the application manager. The letter should be reviewed by the Planning Supervisor prior to being signed by the Planning Chief. A copy of the Exemption application will be forwarded to the municipality along with the letter. Copies of this letter will be forwarded to all applicable: the developer, the consultant, the SEO or the municipal or sewer authority, the local and county planning agencies, the SPS, the Planning Engineer, the Planning Supervisor and the Regional or District file. In certain circumstances, copies may need to be forwarded to another agency or bureau.
- Once the letter has been signed, the application manager will enter eFACTS and close out the following:
1. On the Authorization Screen: Populate the technical review Subtask "Decision Review (DR) End Date" with the date on the no planning needed letter.
- NOTE:** On the Authorization Screen: The technical review Standard Task "Technical Review (TECH) End Date" will automatically populate with the end date you input in Step VI.C.1.
2. On the Application Screen: Authorization Tab, General Tab, populate the disposition status ("Disp Status") as RETURNED and disposed ("Disposed") as the date on the no planning needed letter.
- D. The application manager will complete the route sheet and place it with the Exemption packet.
- E. The application manager will code the Exemption for filing and forward to the regional Records Management Section. Other copies of the Exemption may be discarded at this time.
- F. **Checklist Letter and Module Packet:** The application manager will determine the appropriate forms needed for the planning submittal and prepare the checklist letter (form letters **PIng-2A** to **PIng-2E**) to the applicant. In lieu of attaching the appropriate module forms, the checklist letter may provide directions for downloading the appropriate forms from DEP's website. The checklist letter and module packet can be mailed or transmitted electronically. The module packet should include the following, as appropriate:
1. The DEP "Checklist" letter with module code number: The application manager will prepare and sign the checklist letter to the person who submitted the application mailer to DEP. This is usually the project consultant, although it could be the developer themselves. (Usually the applicant is the person in the return address section of the Application Mailer.) This letter is usually a repeat of the module sections. The checklist letters can be added to or deleted from according to the application manager's discretion. Focus should be on items specific to the project.
  2. Transmittal letter with module code number written on it.
  3. Resolution of Adoption letter with module code number written on it.

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4. Component 4A with module code number written on it.
  5. Component 4B with module code number written on it.
  6. Component 4C, if applicable, with module code number written on it.
  7. Appropriate module with module code number written on it and all module optional items checked that need to accompany the module.
  8. "Completeness Checklist" that goes with the appropriate module.
- G. The application manager will retain a copy of the checklist letter packet. This checklist letter packet will include the Application Mailer, the route sheet, any staff notes on the project and the checklist letter. When the module packet is submitted to DEP, the application manager will pull the checklist letter and attach it to the module packet. If the module does not come in within the next two years (or otherwise decided upon time limit), code the letter packet for file and forward to the regional Records Management Section.

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**Version History**

<b>Date</b>	<b>Version</b>	<b>Revision Reason</b>
June 3, 2014	1.0	Original version