



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Standard Operating Procedures for the
Issuance of Air Quality Plan Approvals
Under the Permit Decision
Guarantee Program

Bureau of Air Quality

November 9, 2012

Contents

I. Background	3
II. Standard Operating Procedures General Information	3
III. Permit Review and Approval Procedures	5
IV. Bureau of Air Quality Responsibilities	6
V. Regional Responsibilities.....	6
VI. Permit Review Hierarchy and Application Types	7
VII. Treatment of Confidential Information.....	8
VIII. Administrative Completeness Reviews	9
IX. Technical Review of Plan Approval	13
X. Elevated Review Process	15
XI. Disposition of Plan Approval Applications	15
List of Standard Operating Procedures Appendices	19

I. Background

On July 24, 2012, Governor Corbett signed Executive Order 2012-11, establishing the “Permit Decision Guarantee for the Department of Environmental Protection.” (42 *Pa. B.* 5148, August 11, 2012). This Executive Order authorizes the Pennsylvania Department of Environmental Protection (DEP or Department) to, among other things, establish the elements of the policy for the “Permit Review and Permit Decision Guarantee Program” (hereinafter Permit Decision Guarantee or PDG Program), using an open and participatory process. In accordance with the requirements of 4 *Pa. Code* Chapter 7a, Subchapter H (relating to permit decision guarantee for the department of environmental protection), the specific permits covered by the program “may include those with the most direct impacts on protection of public health, safety and the environment, as well as economic development.” 4 *Pa. Code* §7a.91. The responsibilities of the plan approval applicant and DEP are set forth in Executive Order 2012-11.

II. Standard Operating Procedures General Information

The Standard Operating Procedures (SOP) set forth in this document were developed in accordance with applicable requirements of 25 *Pa. Code* Article III (relating to air resources), Executive Order 2012-11, DEP’s Policy for Implementing the Department’s Permit Review Process and Permit Decision Guarantee (ID No. 021-2100-001) provided in Appendix A and the Policy for Permit Coordination (ID No. 021-2000-301) provided in Appendix B. This SOP describes the procedures by which the air quality permitting program in the DEP Regional Offices will conduct administrative and technically adequate reviews of a new Plan Approval Application.

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 adjudication or 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 should exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this SOP if circumstances warrant.

Table I provides the processing times for each permitting action covered by the PDG Program.

**Table I:
Plan Approval Applications Covered by the PDG Program**

Authorization Type	Application Code	Business Days
Major Facility Plan Approvals — National Emission Standards (NESHAPs) for Hazardous Air Pollutants (40 CFR Part 61)	New	150
Major Facility Plan Approvals — New Source Performance Standards	New	150
Major Facility Plan Approvals for State Regulations	New	150
Minor Facility Plan Approvals — NESHAPs for Hazardous Air Pollutants (40 CFR Part 61)	New	130
Minor Facility Plan Approvals — New Source Performance Standards	New	130
Minor Facility Plan Approvals —NESHAPs for Hazardous Air Pollutants (40 CFR Part 63)	New	130
Minor Facility Plan Approval State Regulation	New	130

Applications which are classified as “Technically Complex” will not be processed under the PDG Program. These applications include, but are not limited to, New Source Review (NSR) and Prevention of Significant Deterioration plan approval applications. Additionally, permitting actions including authorizations to use general plan approvals and general operating permits and operating permit applications, which are subject to prescribed statutory or regulatory timeframes are not covered by the program.

A. Applicant Responsibilities

The permit applicant is responsible for submitting an application that contains the information needed by the Department to make permitting decisions which address all applicable environmental statutory and regulatory requirements. The applicant is encouraged to schedule a pre-application meeting with the Department as soon as practicable to discuss the permitting needs for the proposed project (4 Pa. Code §7a.92).

B. Department of Environmental Protection Responsibilities

As required under 4 Pa. Code §7a.93, the Department established guidance that describes permit application requirements including the predictable processing time for each permit application covered by the permit decision guarantee. The policy provides that the Department will strive to process environmentally-protective applications expeditiously, but no longer than the established processing times. The policy also provides that only applications that are complete and

technically adequate are eligible for the permit decision guarantee and that incomplete or severely deficient applications will be returned to the applicant. The processing time is the total number of business days beginning with the administrative completeness determination of an application by the DEP and ending with the final action by the Department.

C. Coordinated Permits

In accordance with the provisions in 4 *Pa. Code* §7a.94, the Department will coordinate the review of applications for projects with multiple permits. The Department has developed the Permit Coordination Policy (No. 021-2000-301), which will be updated, as needed, to ensure consistency with the PDG Program.

The Air Quality Program should adhere to procedures outlined in the Permit Coordination Policy (No. 021-2000-301) when reviewing Plan Approval Applications. This policy is designed to:

1. Ensure a coordinated and timely review of projects with multiple Department permits.
2. Promote comprehensive staff reviews and coordination within the Department and with the permit applicant on all technical and environmental matters related to the project.
3. Ensure potential project issues are identified early so that timely and appropriate public outreach measures are taken and technical/coordination issues are considered and resolved appropriately.
4. Allow for the tracking of coordinated projects.
5. Achieve greater consistency among regions and programs.

III. Permit Review and Approval Procedures

All Plan Approval Applications subject to the PDG Policy should be reviewed in accordance with the procedures described in this SOP. The Permit Decision Guarantee Policy applies solely to the applications shown in Table I of this document and listed in Appendix A of the policy. The applications must be administratively complete and technically-adequate. To this end, the application should include all applicable federal and state statutory and regulatory requirements including applicable requirements in the Clean Air Act, Air Pollution Control Act and regulations adopted under the acts.

The Plan Approval Process Application Review Checklist provided in Appendix C should be used to facilitate state-wide consistency during the review and processing of Plan Approval Applications.

IV. Bureau of Air Quality Responsibilities

D. Maintain Technical Guidance, Permit Forms and Fact Sheets

Bureau of Air Quality staff will develop and maintain all technical guidance documents, permit forms, fact sheets, application checklists and other materials necessary to provide clear and concise expectations for applicants and permit writers. All Plan Approval Applications should include a checklist outlining required application materials and information.

All public documents including technical guidance documents, applications, forms, fact sheets and application checklists will be reviewed and revised, if necessary, every three years.

E. Provide Frequent and Focused Training

Bureau of Air Quality staff will develop and provide training for regional staff and the regulated community including their consultants. This training will address new statutory and regulatory requirements including amendments to the Clean Air Act, the Air Pollution Control Act (APCA) and regulations adopted under the acts.

V. Regional Responsibilities

F. Maintain Open Lines of Communication

Regional staff should ensure that communications are maintained with the applicant throughout the plan approval application review. This communication may include notification of major milestones in the process through the Department's publicly available data management system, eFACTS, and promptly informing the applicant of deficiencies in the application.

G. Pre-Application Meetings

Regional Application Managers, Permit Chiefs or the Assistant Regional Director should, to the greatest extent possible, encourage applicants and their consultants to participate in pre-application meetings. Assistant Regional Directors should arrange these conferences in most cases and should also coordinate pre-application conferences for large-scale, multi-permit projects. Meeting attendees should include the applicant, the applicant's consultant, the Regional Director if necessary, and representatives of the applicable programs. For very large, high-priority economic development projects, the Regional Director should take the lead role in terms of coordinating meetings for the Department. The Application Manager should be assigned to the project, as soon as practicable, but no later than three (3) business days after the receipt of the Plan Approval Application.

Prior to the Pre-Application Meeting, an agenda should be requested from the potential Plan Approval applicant to allow the Department to arrange for appropriate staff/programs to participate in the meetings. During the meeting, DEP staff will explain permitting issues including the following:

1. The number and type of authorizations and permits required for the project;
2. The process and interrelationships of the various authorizations and permits; and
3. The Permit Decision Guarantee timeframes for processing the necessary authorizations and permits if a complete, technically-adequate application addressing all applicable statutory and regulatory requirements is submitted to the DEP. To this end, the following should be discussed during the Pre-Application Meeting:
 - The permitting process and applicable forms that should be submitted in the application packet
 - Application fees, municipal notification, compliance status
 - Site-specific issues including attainment/nonattainment status of the area
 - Emission rate estimates and calculation methodology
 - Control technologies that are anticipated/acceptable
 - Anticipated federal and state applicable requirements under the Clean Air Act (CAA), APCA and implementing regulations, including best available technology, NESHAP and New Source Performance Standard (NSPS) requirements
 - Confidentiality justifications
 - Identify similar permitting examples
 - Allowable pre-permit activities, if any
 - Public or environmental concerns
 - Tentative timeline for the review process and anticipated startup date
 - Expectations, procedures and responsibilities

The Application Manager should request a copy of the meeting notes from all applicants or consultants within 10 business days after the Pre-Application Meeting. When necessary, Regional Office staff may send a correction/clarification of the meeting notes to the applicants or consultants within five (5) business days.

VI. Permit Review Hierarchy and Application Types

A. Plan Approval Application Hierarchy

New Plan Approval Applications submitted to DEP Regional Offices should be stamped with the date and time of the submittal, and assigned priority by the Permit Chief or Air Program Manager based on the permit review hierarchy noted in section II.B of the

Department of Environmental Protection Permit Review Process and Permit Decision Guarantee and set forth as follows:

1. Applications necessary for the protection of public health, safety or the environment from imminent threats or that are necessary to support the restoration of the environment or that support broader environmental improvement goals.
2. Applications necessary for economic development projects that create and/or retain jobs in Pennsylvania, leverage private investment in Pennsylvania, and/or provide significant economic benefit to Pennsylvania communities.
3. Applications within the Permit Decision Guarantee that meet any of the criteria in A. (1) and (2) above.
4. Applications that have been excluded from the Permit Decision Guarantee but are necessary for economic development projects that create jobs and enhance communities.
5. Applications that do not meet the above criteria will be completed on a “first-in, first-out basis.”

The Permit Chief or Air Program Manager may seek direction or clarification on the permit review hierarchy from the Regional Director.

B. Application Types – The following application types will be reviewed in hierarchical order as listed:

1. New Plan Approval Applications which meet the criteria in Section VI above or B.1. (i. - v.) of the Permit Decision Guarantee Policy.
2. Amendments or Modifications including Change of Ownership, extensions and plan approval changes for cause.

VII. Treatment of Confidential Information

In accordance with section 13.2 of the APCA (Act 245 of October 26, 1972, amended July 9, 1992, P.L. 460, No. 95) and 25 *Pa. Code* §127.12 (d) , all records, reports or information obtained by the Department or referred to at public hearings under the provisions of this act shall be available to the public, except that upon cause shown by any person that the records, reports or information, or a particular portion thereof, but not emission data, to which the Department has access under the provisions of the APCE, if made public, would divulge production or sales figures or methods, processes or production unique to such person or would otherwise tend to affect adversely the competitive position of such person by revealing trade secrets, including intellectual property rights, the Department shall consider such record, report or information, or

particular portion thereof confidential in the administration of the APCA. The Department shall implement Section 13.2 consistent with sections 112(d) and 114(c) of the CAA. The Department may disclose such report, record or information to Federal, State or local representatives if necessary for administration of any Federal, State or local air pollution control laws, or when relevant in any proceeding under the Act.

The applicant must make the request for confidentiality in writing and provide a justification explaining why the information should be kept confidential. Two versions of the Plan Approval application shall be submitted. One with the confidential information included (and marked confidential) and the other without the confidential information (a copy in which the purportedly confidential material has been redacted) but with notations in each location where information has been removed. The applicant should mark or stamp each page of the confidential information as "CONFIDENTIAL or Confidential." The confidential copy shall be sealed in an envelope which shall display the word "CONFIDENTIAL." All information in the application is considered public information and can be made available to anyone requesting the information except in limited circumstances. Generally, emission data is not considered as the confidential information.

The Department will review the confidentiality request and respond in writing prior to placing any information in question in the public file. All information approved for confidential treatment in whole or in part by the Application Manager or Section Chief will be stored in secured place and will not be divulged directly by the Department except upon request, to those representatives specified in the APCA. If confidential information is to be divulged, in accordance with applicable law, the Department will advise the requestor of the confidential nature of the information and that such information should be given confidential treatment. Confidential information should be kept in safe and secure places and not accessible to public view. Paper files should be kept in secured places. Computerized records should have limited user access, and computer terminals should not be accessible to other than authorized users. Unauthorized disclosure of confidential information may lead to disciplinary action. The Application Manager should consult with Section Chief or Program Manager when in doubt about the handling and disclosure of confidential information.

VIII. Administrative Completeness Reviews

A. General Requirements

Completeness reviews determine whether the Plan Approval Application package is complete and technically-adequate, contains the necessary information, maps, fees and other documents, and whether these items are of sufficient detail for technical review of the application. This review should ensure the application addresses applicable regulatory and statutory requirements. The Administrative Completeness Checklist (2700-FM-AQ0095) provided in Appendix D will serve as the internal guidelines for

administrative completeness determinations. This checklist should also be made available to applicants.

For purposes of the PDG Program, the Plan Approval Application is “technically adequate” if the applicant complies with the content of applications provisions in *25 Pa. Code* § 127.12 (relating to contents of application). An application for approval must:

1. Identify the location of the source and the name, title, address and telephone number of the individual responsible for the operation of the source.
2. Contain information that is requested by the Department and is necessary to perform a thorough evaluation of the air contamination aspects of the source.
3. Show that the source will be equipped with reasonable and adequate facilities to monitor and record the emissions of air contaminants and operating conditions which may affect the emissions of air contaminants and that the records are being and will continue to be maintained and that the records will be submitted to the Department at specified intervals or upon request.
4. Show that the source will comply with applicable requirements of this article and requirements promulgated by the Administrator of the EPA under the Clean Air Act (42 U.S.C.A. §§ 7401—7706).
5. Show that the emissions from a new source will be the minimum attainable through the use of the best available technology.
6. Show that the source will not prevent or adversely affect the attainment or maintenance of ambient air quality standards when requested by the Department.
7. Contain a plan of action for the reduction of emissions during each level specified in Chapter 137 (relating to air pollution episodes), when required by the Department.
8. Show that the provisions of § 127.43a (relating to municipal notification) have been met. The applicant shall submit a copy of the notification letter and proof that the notice was received.
9. Contain a plan for dealing with air pollution emergencies, when requested by the Department, or when required by the Clean Air Act.
10. Show that the source and the air cleaning devices are capable of being and will be operated and maintained in accordance with good air pollution control practices.

11. Contain a completed compliance review form or reference the most recently submitted compliance review form for facilities submitting a compliance review form on a periodic basis.

In addition to submission of a complete application that is certified by a Responsible Official as defined in *25 Pa. Code* § 121.1, an administratively complete application must include the following:

- General Information Form (GIF)
- Plan Approval Application with all Attachments
- Applicable fees specified in *25 Pa. Code* Chapter 127, Subchapter I
- Compliance Review Form
- Proof of Municipal Notification which meets the requirement of *25 Pa. Code* §124.43a
- Information needed to complete single source determinations, especially for plan approvals related to natural gas production.
- Information needed to fulfill PNDI and PHMC requirements. Detailed information for the PNDI search tool and DEP PNDI policy is located at http://www.gis.dcnr.state.pa.us/hgis-er/PNDI_Introduction.aspx. A complete collection of cultural resources notice and information can be downloaded via this link: <http://www.elibrary.dep.state.pa.us/dsweb/View/Collection-9425>.
- A site map should be included for all new facilities.
- Sufficient information to demonstrate technical adequacy.

The Application Manager should submit a request to staff in the BAQ Permits Air Toxics and Risk Assessment Section to determine if an air toxics risk assessment is appropriate for certain Plan Approval Applications. A response will be provided to Regional Staff regarding the need for a Risk Assessment within 5 business days of receipt of the application.

B. Administrative Completeness Determination

Pursuant to *25 Pa. Code* § 127.12d (relating to completeness determination), the Application Manager will determine if the Plan Approval Application is administratively complete and will provide written notice of the completeness determination to the applicant within 30 days of receipt of an application. For purposes of this SOP, an application is administratively complete if it contains the necessary information, maps, fees and other documents requested in the plan approval application, regardless of whether the information, maps and documents would be sufficient to justify issuance of the plan approval. If the Department determines that the application is not administratively complete, a written statement of the specific information, maps, fees and documents that are required to make the application administratively complete should be sent to the applicant. If the applicant does not provide the requested information to the Department within 10 working days of receipt of the written request, the Plan Approval

Application and fees must be returned to the applicant as required under 25 Pa. Code § 127.12d (c).

1. Incomplete Applications - Minor Deficiencies

Minor deficiencies or omissions that can be easily corrected should be addressed through a telephone call or by email with the applicant and consultant. The expeditious correction of minor deficiencies may negate the need for an application to be returned as incomplete. The Application Manager, Permit Chief or the Regional Program Manager should be responsible for making this decision.

The regional staff should not rely on personal preference or opinion, or regional interpretation of statutes, regulations or guidance that is inconsistent with the Bureau's statewide interpretation. Regional Program Managers should confer with the Director of the Bureau of Air Quality, Environmental Group Managers and regional counsel, as appropriate and necessary.

2. Incomplete Applications - Major Deficiencies

If the Application Manager in the regional office determines that the application is not administratively complete, the regional office should send the applicant a written statement indicating the specific information (or items) that is required to make the application complete. If the applicant does not provide the requested information to the regional office within 10 working days of receipt of the request, the regional office should return the application and fees to the applicant in accordance with Pa. Code § 127.12 (d). The regional office staff should consult with regional counsel as necessary prior to returning an application.

Once the application is determined to be administratively complete, the regional office should send the applicant an Acceptance Letter explaining the technical review process, and identifying any other permits, approvals, authorizations or notifications that might be required. If the Permit Decision Guarantee applies, the letter will also provide information pertaining to the Permit Decision Guarantee timeframes. If multiple permits are required, the Assistant Regional Director will be responsible for identifying and coordinating the review of all permits.

The processing time for the Plan Approval Application does not begin until DEP provides notice to the applicant, in writing, that the application is administratively complete.

C. Notice of Receipt and Intent to Issue Plan Approvals

The Application Manager will prepare a "Notice of Receipt and Intent to Issue" the Plan Approval in accordance with Pa. Code § 127.45(a) (relating to contents of notice) for publication in the *Pennsylvania Bulletin*. At a minimum, the notice will include the following:

1. The name and address of the applicant.
2. The location and name of the source or facility at which the construction, modification, reactivation or installation is proposed.
3. A brief description of the proposed action, including a brief description of the:
 - a. Air contamination source to be constructed, modified, reactivated or installed.
 - b. Air cleaning device or control technology required including best available technology.
 - c. Type of conditions being placed in the plan approval with reference to applicable State and Federal requirements.
4. The type and quantity of air contaminants being emitted.
5. The name and telephone number of a person to contact at the Department for additional information.
6. A statement that a person may oppose the proposed plan approval by filing a written protest with the Department, at the appropriate regional office described in § 121.4 (relating to regional organization of the Department).

This notice should be sent to the Bureau of Air Quality's Permit Division for publication in the *Pa. Bulletin* no later than the Monday, 11 days prior to the publication date. The *Pa. Bulletin* notice should be prepared in accordance with procedure outline in Appendix E.

The "Notice of Receipt and Intent to Issue" should be published in the *Pennsylvania Bulletin* for all plan approval applications, except plan approval applications subject to the notice requirements of *Pa. Code* § 127.44(b). Additionally, notices on the proposed Plan Approval may be published if there is substantial interest in the Department's "Intent to Issue" the proposed Plan Approval.

IX. Technical Review of Plan Approval

Once the Plan Approval Application is deemed administratively complete and technically adequate, the Application Manager will initiate a detailed technical review of the application. Technical reviews determine whether an application package contains the necessary scientific and engineering information and project design to address applicable statutory and regulatory requirements.

During the technical review of the Plan Approval Application, the accuracy of the information is evaluated and a determination about whether additional information needed is made. The evaluation should include the following:

- Checking for the clarity and adequacy of the proposal.
- A determination of facility classification (minor, major, or modification).
- A determination that all applicable requirements of the CAA, APCA and regulation adopted under the acts are addressed in the Plan Approval Application.
- Reviewing proposed methods of compliance such as testing, monitoring, recordkeeping and work practice requirements, etc.
- Reviewing the emission estimates and associated calculations.
- Conducting a major facility applicability determination for Prevention of Significant Deterioration (PSD) or New Source Review (NSR).
- Emissions limit analysis (e.g. Best Available Technology or BAT).

In completing the technical reviews, the Application Manager will determine if all applicable statutory and regulatory requirements are adequately addressed in the application. Whenever there are technical questions, those questions will be immediately elevated from the application manager to the Section Chief and Program Manager for consultation and resolution. If needed, Bureau of Air Quality staff should be consulted if issues cannot be resolved expeditiously.

The Application Manager will not rely on personal preferences or opinions, or regional interpretation of statute, regulation or guidance that is inconsistent with the Department's statewide interpretations. Staff should confer with the appropriate Central Office Air Quality staff regarding requests for statutory and regulatory interpretations, which will require consultations with counsel, as appropriate, and the concurrence of the Bureau Director.

The Application Manager should determine if the Plan Approval Application has sufficient scientific or engineering documentation to support the proposed emission limitations. Minor deficiencies that can be easily corrected may be addressed via e-mail or through a telephone call with the applicant and consultant, and may negate the need for a deficiency letter. The Program Manager or Section Chief will be responsible for making that decision.

Applicants will be notified in writing of technical deficiencies identified during the DEP's technical review of the Plan Approval Application. If an application fails to provide the technical information necessary to document that applicable requirements will be met, it is technically deficient and the Application Manager will prepare a technical deficiency letter. The noted deficiencies will include citations for statutory or regulatory requirements that should have been adequately addressed in the application. The Section Chief and the Program Manager will routinely review the draft deficiency letters prior to finalization. As provided in the PDG Policy, applicants will have one opportunity to correct technical deficiencies. While the issuance of a technical deficiency letter will void the Permit Decision Guarantee, additional deficiency letters may be sent for "technically complex projects and applications." DEP's deficiency letter to the applicant will state, as appropriate, that the Permit Decision Guarantee is no longer applicable, and offer the applicant an opportunity to meet and discuss the deficiencies. The letter should also include a deadline for submission of the deficient information. Applicant responses that do not allow DEP to determine that the application is technically adequate within the established response timeframe will be subject to the Elevated Review Process. Applications that are

subsequently determined to be technically-adequate within the established response timeframe will proceed to processing for final action.

When the technical review is complete, a decision will be made to either approve or deny the application. Program staff will consult with regional counsel prior to denying or returning applications as necessary.

X. Elevated Review Process

Applications that are technically deficient, and for which the deficiencies have not been resolved satisfactorily within the established response timeframe, for any reason, will be subjected to the elevated review process. The Program Manager should notify the Regional Director of the elevated review, and arrange a time to discuss the details of the application and the noted deficiencies. The Program Manager and the Regional Director may contact the Bureau Director and/or the Deputy Secretary for advice or assistance. If a project involves multiple permit applications and/or has multiple deficiencies, a face-to-face meeting of all staff involved may be appropriate. As provided in the Elevated Review Process Section of the PDG Policy, the Application Manager, in consultation with the Air Program Manager, will develop an approach for the final review of the Plan Approval Application, which may include a face-to-face meeting with the Applicant and the consultant or a conference call with the Applicant and its consultant to discuss the deficiencies. If the meeting or call results in a resolution, the Regional Director may provide the applicant with an additional 10 business days to respond. If resolution cannot be reached, the deficiencies must be elevated to the Bureau Director for review.

The Bureau Director or his/her designee should provide direction on the permit decision to deny the plan approval application. Applications may be denied if technical deficiencies have not been adequately addressed after two technical reviews, and the applicant cannot adequately demonstrate that the application meets all applicable regulatory and statutory requirements. Regional counsel should also be consulted, as needed, prior to denying an application. The applicant should be notified that a new Plan Approval Application including applicable fees should be submitted to the Department.

The elevated review process should receive the highest priority by Directors and be completed within 15 business days of first notification of elevated review by the Regional Air Program Manager. The Assistant Regional Directors or the appropriate Bureau Division Chiefs may substitute for the Directors when needed to meet the 1 deadline within 15 business days.

XI. Disposition of Plan Approval Applications

A. Permit Decision Guarantee Timeframe

Should the Application Manager fail to manage a PDG- eligible application so as to meet the established Permit Decision Guarantee Timeframe, the Regional Air Program Manager and Regional Director and Bureau Director, if necessary, will have five (5) business days to make an appropriate decision of either denial or approval. If that

timeline is not met, a meeting should be scheduled with the Secretary of the Department to determine why the deadline was missed.

B. Draft Plan Approvals

If a Plan Approval Application is recommended for approval, the Application Manager will prepare a draft Plan Approval using the Bureau's Air Informational Management System Database (AIMS). The Application Manager should include terms and conditions to satisfy applicable federal and state requirements. The draft Plan Approval must address the applicable Plan Approval Provisions in *25 Pa. Code* Chapter 127, Subchapter B (relating plan approval requirements). As required under *25 Pa. Code* 127.12b (relating to plan approval terms and conditions), the plan approval should, at a minimum, contain the following:

1. Terms and conditions the Department deems necessary to assure the proper operation of the source including the requirement for a compliance demonstration prior to issuance of an operating permit.
2. The emission and performance standards and other requirements of the act, the Clean Air Act or the regulations adopted under the act or the Clean Air Act.
3. Monitoring, recordkeeping and reporting provisions required by Chapter 139 (relating to sampling and testing) and other monitoring, recordkeeping or reporting requirements of this article and additional requirements related to monitoring, recordkeeping and reporting required by the Clean Air Act and the regulations promulgated thereunder, including, if applicable, the enhanced monitoring requirements of 40 CFR Part 64 (relating to enhanced monitoring).

The draft Plan Approval should also authorize temporary operation to facilitate shakedown of sources and air cleaning devices, to permit operations pending issuance of a permit under Subchapter F (relating to operating permit requirements) or Subchapter G (relating to Title V operating permits) or to permit the evaluation of the air contamination aspects of the source. This temporary operation period will be valid for a limited time, not to exceed 180 days, but may be extended for additional limited periods, each not to exceed 180 days.

C. Public Notices for Sources Subject to Pa. Code § 127.44(b)

The Application Manager should prepare a notice, in accordance with *Pa. Code* § 127.45(b), of action to be taken on applications for plan approvals for the following:

1. Sources of VOCs that submit plan approval applications demonstrating compliance with Chapter 129 (relating to standards for sources) using *Pa Code* § 129.51(a) (relating to general).
2. Sources located within a Title V Facility.
3. Other sources for which the Department has determined there is substantial public interest or for which the Department invites public comment.

The notice required under §127.44(b) should be completed and sent by the Application Manager to the applicant and to the EPA. The regulation also requires notification to any state within 50 miles of the facility and any state whose air quality may be affected and that is contiguous to this Commonwealth.

The applicant must, within 10 business days of receipt of notice, publish the notice on at least 3 separate days in a prominent place and size in a newspaper of general circulation in the county in which the source is to be located; proof of the publication of the notice must be submitted to the Application Manager within 1 week thereafter. The Permit Decision Guarantee will be voided if these regulatory timeframes are not met by the applicant.

A 30-day comment period, from the date of publication in the newspaper and also from the date of publication in the *PA Bulletin*, will exist for the submission of comments.

In accordance with 25 *Pa. Code* § 127.44 (c), a Plan Approval will not be issued by the Regional Office in the event of failure by the applicant to submit the proof of publication.

For any application involving a Title V facility or VOC equivalency determination, at the same time as the draft Plan Approval is sent to the applicant and the *Pennsylvania Bulletin*, the Application Manager will also send the draft Plan Approval, Technical Review Memorandum and notice to EPA. A 45-day comment period will be provided from the date of submission of these materials for EPA to submit comments to DEP. The Permit Decision Guarantee will be voided in the event that any EPA concerns cannot be resolved within 10 business days. Following the completion of the Technical Review Memo and Comment and Response Document, if applicable, the Regional Program Manager will take final action on the Plan Approval Application.

The Application Manager should follow the policy on Public Participation in the Permit Application Review Process identified in Appendix F. This policy establishes consistent guidelines for how the Department reviews and responds to comments received during the public participation process in the review of a plan approval application.

Prior to any plan approval issuance, the Department may, in its discretion, hold a fact finding conference or hearing in accordance with 25 *Pa. Code* § 127.48 (relating to conferences and hearings). The conference or hearing procedure shall be followed as

described in 25 Pa. Code § 127.49 (relating to conferences and hearings procedure). A summary of the conference or hearing should be prepared in accordance with 25 Pa. Code § 127.50 (relating to conferences and hearings record) and be made available to the participants and the public.

D. Denial of Plan Approval Applications

If the Plan Approval Application contains technical deficiencies after two technical reviews, and the applicant cannot adequately demonstrate that it meets all applicable statutory and regulatory requirements, the application may be denied. Regional counsel should be consulted prior to denying an application.

If the Region denies a plan approval, written notice of a denial should be provided to the applicant in accordance with 25 Pa. Code § 127.13c (relating to notice of basis for certain plan approval decisions). Public Notice of the denial is published in the *Pennsylvania Bulletin*.

The applicant forfeits all fees if the application is denied. In such instances, a new plan approval application should be submitted to DEP.

E. Issuance of Plan Approvals

The Application Manager will prepare a comment and response document which summarizes and responds to all public comments. The final plan approval is then prepared and submitted to the Section Chief for review.

The Application Manager should ensure that the final plan approval, draft plan approval, Technical Review Memorandum, and comment/response document are maintained in the appropriate file and are available for public review as appropriate.

After reviewing comments/response documents and changes, the Department may take action in accordance with 25 Pa. Code § 127.51 (relating to plan approval disposition).

The Department will notify personally or by mailing a copy of the plan approval disposition to each commentator who has submitted a comment within the time period set forth in § 127.46 (relating to filing protests). The Department will also publish notice of its action in the *Pennsylvania Bulletin*.

Enter the plan approval disposition date into eFACTS/AIMS.

List of Standard Operating Procedures Appendices

Appendix A: Permit Review Process and Permit Decision Guarantee (ID No. 021-2100-001)

Appendix B: Policy for Permit Coordination (ID No. 021-2000-301)

Appendix C: Plan Approval Application Review Checklist

Appendix D: Administrative Completeness Checklist

Appendix E: *Pa. Bulletin* Notice Procedures

Appendix F: Policy on Public Participation in the Permit Application Review Process

Appendix A

Permit Review Process and Permit Decision Guarantee (ID No. 021-2100-001)

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of Program Integration

DOCUMENT NUMBER: 021-2100-001

TITLE: Policy for Implementing the Department of Environmental Protection (Department) Permit Review Process and Permit Decision Guarantee

EFFECTIVE DATE: November 2, 2012

AUTHORITY: Executive Order 2012-11

POLICY: This policy establishes a standardized review process and processing times for all Department permits. For the permits contained in the Permit Decision Guarantee, the Department guarantees to provide permit decisions within the published timeframes, provided applicants submit complete, technically adequate applications that address all applicable regulatory and statutory requirements in the first submission. Staff will follow a Department-wide standard process for receiving, prioritizing, accepting, reviewing, denying, and approving applications for permits or other authorizations.

PURPOSE: To establish a standard process for permit application reviews that:

- provides certain and predictable review timeframes for applicants who submit complete, technically adequate applications that address all applicable regulatory and statutory requirements;
- articulates clearly and concisely expectations for applicants that result in complete, technically adequate applications that address all applicable regulatory and statutory requirements;
- establishes expectations for Department staff aimed at achieving greater efficiency, clarity and consistency across regions and programs;
- improves the Department's internal tracking and coordination of permit applications; and,
- rescinds and replaces the Policy for Implementing the DEP Money-Back Guarantee Permit Review Process 013-2000-001, as amended.

APPLICABILITY: This policy is intended to provide a standard review procedure for all Department permits and authorizations. All applications for permits, registrations and plan approvals are subject to the Permit Review Process outlined in this Policy regardless of their inclusion in the Permit Decision Guarantee. The Permit Decision Guarantee shall apply only to those applications, listed in Appendix A, that are complete, technically adequate, and address all applicable regulatory and statutory requirements. Appendix A of the policy provides the guarantee timeframes for those Department permits and authorizations that are contained in the Permit Decision Guarantee.

It also applies to County Conservation Districts' permit review staff when completing delegated duties on behalf of the Department during the registration or evaluation of permit applications or modifications. The term "Department" referenced throughout the policy includes County Conservation District review staff. The policy is not to be applied where it conflicts with statutory or regulatory requirements.

DISCLAIMER:

The policies and procedures outlined in this guidance document are intended to supplement existing requirements. Nothing in the policies or procedures shall affect regulatory requirements.

The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of DEP to give these guidelines 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.

PAGE LENGTH:

27 pages, including appendix

I. General Information

A. Effective Date of Policy

This policy will become effective upon publication as final in the *Pennsylvania Bulletin*.

B. Definitions

1. *“Accepted”* – The term for an application status, when after conclusion of the Completeness Review, Department staff determine an application to be complete and technically adequate. Once accepted, an application will move to the Technical Review.
2. *“Applicant”* – For the purpose of this policy, it is the entity (i.e., an individual, partnership, association, company, corporation, municipality, municipal authority, political subdivision or an agency of Federal or State government) that submits an application to conduct an activity authorized by the Department, such as the person responsible for owning, maintaining, and/or operating all or part of the overall project. This term is also defined in other Department policies as project sponsor.
3. *“Application Manager”* – The specific Department staff member that will be responsible for the processing of an application and will be the primary contact for the project management, a.k.a. reviewer, permit reviewer or permit writer.
4. *“Application Type”* – For the purpose of this policy, may include: New, Renewal, Amendment, Modification, Transfer, and Change of Ownership.
5. *“Complete and Technically - Adequate Application”* – An application package that includes all necessary documents and information, which is provided in sufficient detail to perform a Technical Review.
6. *“Completeness Review”* – Process by which Department staff will review applications to determine if they are complete and technically adequate, addressing all applicable regulatory and statutory requirements.
7. *“Elevated Review Process”* – Process whereby staff will raise issues, requests for clarifications and instances in which applications failing to appropriately respond to technical deficiencies arise, to superiors, including regional, central office bureau staff and if merited to the Secretary.
8. *“Permit Decision Guarantee Timeframe”* – The length of processing time that a permit decision will be guaranteed by the Department, provided an applicant submits complete, technically adequate applications that address all applicable regulatory and statutory requirements in the first submission. This length of time and included permits are outlined in Appendix A.

9. “*Permits*” – Authorizations issued by the Department, giving approval to perform a regulated activity. For the purpose of this policy, “permits” includes the authorization types such as: permits, plan approvals and registrations under general permits. This definition does not include certifications and licenses.
10. “*Permit Decision Guarantee*” – The guarantee from the Department that a permit application will be reviewed as expeditiously as possible within the Permit Decision Guarantee timeframe, which is applicable only to those complete, technically adequate applications that address all applicable regulatory and statutory requirements included in Appendix A.
11. “*Processing Time*” – The total number of business days beginning with the acceptance of a complete and technically adequate application and ending with the final action by the Department. The length of time does not begin until the application passes completeness review and it moves forward for technical review.
12. “*Renewal Application*” – An application to continue an activity authorized under an existing permit in its current form with no proposed changes that is submitted within the renewal timeframe required by the permit. Applications to recommence existing permits where changes are proposed, or for which new statutory or regulatory requirements necessitate a change to the current permit, shall be considered new applications.
13. “*Substantive Project or Design Changes*” – This would be a design change at the desire of an applicant mid-stream, while under technical review. A new application will have to be submitted with new fees. Substantive project or design changes resulting from technical deficiency letters will not require new applications or fees.
14. “*Technically Complex Application*” – An application that by its nature is more complex than a standard application. These applications receive more flexibility in terms of the review process than standard applications and are noted with an asterisk in Appendix A.
15. “*Technical Review*” – The in-depth technical review, conducted by Department staff, whereby a determination is made whether an application meets all regulatory and statutory requirements required for issuance.

II. Process Guidance

The policy of the Department is to minimize processing time while ensuring adherence to all applicable regulatory and statutory requirements and prioritizing permit applications. The Department’s performance, and that of its staff, will be measured by time lapsed for Department processing.

A. Possible Processing Delays

Ancillary activities required or in addition to the Department's review of the permit application that may delay the final permit decision. Examples of these activities include:

1. Submission, processing and review of financial assurance instruments;
2. Resolution of outstanding violations or compliance actions against the applicant, where state law requires those violations be resolved before permits are issued or renewed;
3. Reviews due to the need for approval by or coordination with a federal, state or municipal agency, including related decisions by such agencies;
4. Reviews by other Department programs, the purpose of which is to provide technical information to the reviewing program, and therefore cannot be accomplished concurrently;
5. Other complex, but necessary factors, such as the need for air modeling, risk assessments, the completion of a harms-benefits analysis or permit coordination;
6. Circumstances where public meetings or hearings are held, or draft final permits are issued and additional public comment is needed;
7. Time necessary to address additional public comment opportunities for areas of special concern such as Environmental Justice areas;
8. Factors outside of the Department's control, e.g. natural disasters or emergency responses that may require immediate use of resources or render Department resources unavailable; and,
9. Applications submitted pursuant to a Consent Order and Agreement, Department Order, consent decree or an Order of the Environmental Hearing Board or other judicial body.

Many permits decisions cannot be made until the above actions have been taken and resultant issues resolved. To the greatest extent possible, the Department will complete its review of permit applications expeditiously, however, the above situations may delay the Department's final permit decision.

B. Permit Review Hierarchy

1. The Money-Back Guarantee Policy and associated review process are rescinded and replaced in their entirety by this policy. Further, the Department, unless required by law or regulation, will not review permit applications solely on a "first-in-first-out" basis. When an application is received, the Regional Director, Director of District Mining Operations or Director of District Oil and Gas Operations will provide direction to staff on the priority of the permit application.

The prioritization or hierarchy of permit applications for review will be as follows:

- i. Applications necessary for the protection of public health, safety or the environment from imminent threats or that are necessary to support the restoration of the environment or that support broader environmental improvement goals.
 - ii. Applications necessary for economic development projects that create and/or retain jobs in Pennsylvania, leverage private investment in Pennsylvania, and/or provide significant economic benefit to Pennsylvania communities.
 - iii. Applications within the Permit Decision Guarantee that do not meet any of the criteria in 1. (i.) and (ii.) above.
 - iv. Applications for which the Permit Decision Guarantee is voided.
 - v. Applications that do not meet the above criteria will be completed on a “first-in-first-out” basis.
2. Application Types – The following application types will be reviewed in hierarchical order as listed:
- i. New applications that meet the criteria of B.1. (i. – v.) above, in order.
 - ii. Amendment, Modification, Transfer, or Change of Ownership applications that meet the criteria of B.1. (i. – v.) above, in order.
 - iii. Renewal applications for permits that will expire without action by the Department that meet any of the criteria in B.1. (i. – v.) above, in order.
 - iv. Renewal applications for permits that have been legally extended for greater than five years or time period authorized in applicable regulatory and statutory requirements and meet any of the criteria in B.1. (i. – v.), in order.
 - v. Renewal applications for permits that have been legally extended for less than five years or time period authorized in applicable regulatory and statutory requirements and meet any of the criteria in B.1. (i. – v.).
 - vi. All others.

C. Permit Coordination

The Department will follow the Permit Coordination Policy 021-2000-301, when reviewing applications or proposed projects to ensure efficient use of resources, thorough environmental review and consistent Department action on proposed projects before the

commencement of operations, construction or other activities that require Department permits.

D. Permit Review and Approval

All permits will be reviewed following the process detailed in this policy. The Permit Decision Guarantee shall apply only to those applications listed in Appendix A that are complete, technically adequate and address all applicable regulatory and statutory requirements. It is the Department's intention to review annually, and as necessary, update the applications listed in Appendix A.

III. Accountability

A. Applicant Responsibilities

1. Request a Pre-Application Conference

A pre-application conference is the foundation for improved understanding and communication between the potential applicant and the Department. The pre-application conference allows the Department, consultant and applicant to discuss project details and seek clarification on applicable regulatory and statutory requirements. Upon request, the Department will schedule pre-application conferences when deemed necessary.

For the applicant and the applicant's consultant, the time invested in a pre-application conference pays dividends in the form of complete and technically adequate submissions, and shorter processing times resulting from a better understanding of the project and complicated matters prior to application submission. Further, these meetings are critical and highly recommended when large scale, multi-permitted facilities are involved and spans multiple counties or, or if federal permit coordination will be required. If an applicant chooses to forego a pre-application conference, when one is advised by the Department, the Permit Decision Guarantee may be voided.

In many cases, permit applications are complicated and challenging, due to the relationship of the numerous and overlapping environmental laws and regulations. Therefore, it is strongly recommended that applicants employ consultants with expertise in the areas of environmental permitting sought to aid in completion of permit applications.

Under this policy, Applicants and their Consultants are responsible for:

- i. Contacting the Department as soon as it is possible to provide a description (project summary, maps, etc.) of the proposed project, and requesting a pre-application conference.
- ii. Remaining in contact with the Department throughout the development of the project details and technical design will ensure a thorough understanding by Department staff, assure adherence to applicable

regulatory and statutory requirements to gain insight into potential regulatory concerns that could delay permit issuance and to work with Department to identify solutions.

2. Submit a Complete and Technically Adequate Application

The Applicant is responsible for submitting a complete and technically adequate application which meets all applicable regulatory and statutory requirements and contains all information needed by the Department to make a final permit decision. Failure to do so will void any Permit Decision Guarantee. Applications that fail to meet Department requirements for completeness will be denied, unless stated otherwise in applicable statutes and regulations. Applications that require revisions, additions, corrections or supplements take much longer to review, and thus the Department cannot provide certainty regarding the permit processing timeframe.

Once an application has been accepted by the Department as complete, any substantive project or design changes to that application made by the applicant will require a new application package to be submitted following appropriate program requirements and procedures and, as applicable, will void the Permit Decision Guarantee. Substantive project or design changes resulting from technical deficiency letters, or from information or input taken through public comment or hearings, will not require new applications or fees.

3. Track Progress and Provide Information

Applicants and their consultants are responsible for tracking the progress of their review by accessing *eFACTS on the Web*, the Department's publicly-available data management system. Applicants are also responsible for providing timely responses to requests for information and to deficiency letters. Applicants must ensure that responses provided are technically accurate and respond fully to the request for additional information. Applicants are responsible to ensure that responses to information requests meet all applicable regulatory and statutory requirements.

B. Department Responsibilities

1. Maintain Technical Guidance, Permit Forms and Fact Sheets

Program Bureaus will be responsible for developing and maintaining all technical guidance, permit forms, fact sheets, application checklists and other materials necessary to provide clear and concise expectations for applicants. All permit applications will include a checklist outlining required application materials and information. No regulation will be proposed as final without all complimentary guidance, policy, forms and fact sheets being developed and available for public comment concurrent to the finalization of the regulation.

All public documents such as technical guidance, permit forms, fact sheets and application checklists must be reviewed, and if necessary revised, and republished, every three years.

2. Provide Frequent and Focused Training

A significant training program will accompany this policy to provide for successful implementation. Department staff will develop and implement training for regional staff and the regulated community including their consultants, which will include changing the current models and relationships related to preparation of applications and permit reviews. Training for Department staff will focus on, but will not be limited to, program expectations and performing accurate and consistent permit reviews. Training for the management of expectations on the part of the regulated community is also needed, and will be provided.

As a regulatory agency, the Department's role is to review applications based on applicable regulatory and statutory authority to ensure that projects with appropriate environmental protections proposed are permitted in a reasonable timeframe. The Department also has an obligation to provide clear expectations on public participation for the regulated community and stakeholders interested in permits being reviewed.

3. Maintain Open Lines of Communication

The Department will ensure that throughout the application review process, communication is maintained with the applicant, other regulatory partners, local officials and the public. This communication may include notification of major milestones in the process through the Department's publicly available data management system and communicating as early as possible upon the determination of a deficiency.

4. Schedule and hold Pre-Application Conferences

Department staff will:

- i. Encourage Applicants and their consultants to participate in pre-application conferences, to the greatest extent possible.
- ii. Schedule pre-application conferences when they are requested and deemed to be necessary. Assistant Regional Directors will arrange these conferences in most cases and will also coordinate pre-application conferences for large scale, multi-permit projects. Conference attendees must include the applicant, the applicant's consultant, the Regional Director if necessary, and representatives of the applicable programs. The Department will also include, as necessary, applicable partners (such as County Conservation Districts) in the pre-application conferences. For very large, high-priority economic development projects, the Regional Director will take the lead role in terms of coordinating meetings for the

Department. For District Oil and Gas Offices and District Mining Offices the Permits Chief or Manager will arrange these conferences.

- iii. Seek as much information as necessary prior to the pre-application conference to ensure that all appropriate staff/programs are present and the outcome of the conference effectively outlines expectations and communicates next steps.
- iv. Provide an explanation of the number and type of permits required for the project, an explanation of the process and interrelationships of the various permits; discuss the need for or potential for public meetings or hearings; and, provide the applicant with the Permit Decision Guarantee timeframe for processing the necessary permits if a complete, technically adequate application addressing all applicable regulatory and statutory requirements is submitted.
- v. Assign an Application Manager to the project whether upon application submission or prior.
- vi. Respond to all inquiries from the Applicant through development of the project details and technical design to assure a thorough understanding by the Applicant of the regulatory requirements that could impact permit issuance. This does not mean that the Application Manager will review and comment on draft applications or applicant-proposed permit conditions prior to an application being submitted.

5. Completeness Review

Completeness reviews determine whether a submitted application package is complete and technically adequate, contains the necessary information, maps, fees and other documents, and whether these items are of sufficient detail for technical review of the application. This review should ensure that a complete application that addresses applicable regulatory and statutory requirements has been received. The provided permit application checklist will routinely serve as part of the Department's internal guidelines for determining completeness.

Completeness reviews will be conducted as quickly as possible, and should take no longer than ten business days, unless otherwise indicated by regulatory and statutory requirements. Even when the state or federal law or regulation provides for a longer time period, it will be the Department's policy to complete the review as quickly as possible.

Under this procedure, the Department will complete in order the following steps:

- i. Applications will be received by administrative staff and logged into the electronic tracking database, assuming any applicable fees are submitted.
- ii. Checks accompanying applications will be processed by administrative staff in accordance with the fee processing policy.

- iii. Applications will be delivered to the appropriate program for the completeness review. The completeness review will be performed by the Application Manager as quickly as possible, and should take no longer than ten business days, unless otherwise indicated by regulatory and statutory requirements. In making a completeness determination, the Department will rely on specific applicable regulatory and statutory requirements in addition to the permit application checklist.

Minor deficiencies or omissions that can be easily corrected should be addressed through a telephone call with the applicant and consultant. The expeditious correction of minor deficiencies may negate the need for an application to be denied as incomplete. The Program Manager or District Manager will be responsible for making that decision.

Department staff will not rely on personal preference or opinion, or regional interpretation of statute, regulation or guidance that is inconsistent with the Department's statewide interpretation. Staff should confer with the appropriate Bureau Director as necessary.

- iv. If complete, notification will be provided to the applicant via the Department's public permit tracking system, *eFACTs on the Web*. If multiple permits are required, the Assistant Regional Director will be responsible for identifying and coordinating the review of all permits. For District Oil and Gas Offices and District Mining Offices the Permits Chief or Manager will, as necessary, coordinate the review of other permits needed for the project. Further, upon acceptance of an application, the program(s) will complete any necessary public notices.

The processing time for the application does not begin until it is deemed by the Application Manager to be a complete application.

- v. If an application is incomplete, the Department will deny the application, unless required otherwise by applicable regulatory and statutory requirements, and notification of the denial will be provided to the Applicant.

If the application is deemed incomplete, the Application Manager will prepare a letter to deny the application. The letter will specify where the permit application fails to provide the information necessary to document that applicable regulatory and statutory requirements will be achieved. This letter will include specific applicable regulatory and statutory citations and will be reviewed and approved by the Section Chief and the Program Manager. For District Oil and Gas Offices and District Mining Offices the Permits Chief and the Manager will review and approve the letters.

If the application is deemed incomplete and the Department is required by applicable regulatory and statutory requirement to allow the applicant to

address the completeness requirements, the Application Manager will, in order to document that applicable regulatory and statutory requirements will be achieved, prepare and send a letter that specifies how the permit application fails to provide the information necessary. This letter will include specific applicable regulatory and statutory citations and will state, as necessary, that the Permit Decision Guarantee is no longer applicable. The letter will be reviewed and approved by the Section Chief and the Program Manager. For District Oil and Gas Offices and District Mining Offices, the Permits Chief and the Manager will review and approve the letters.

Should an Applicant choose to amend the application and resubmit the package, following appropriate program requirements and procedures, the Department will treat the resubmitted package as a new application.

6. Technical Review

Complete applications will be subject to a detailed technical review. Applicants will be notified in writing of technical deficiencies discovered during the Department review. Applicants will have one opportunity¹ to correct technical deficiencies. Technical deficiencies will void the Permit Decision Guarantee.

Technical reviews are to determine whether an application package contains the necessary scientific and engineering information and project design to address specific regulatory requirements.

In completing the technical reviews, Department staff will:

- i. Ensure that all applicable regulatory and statutory requirements are adequately addressed by the application. Specific and applicable regulatory and statutory requirements will be used to conduct these reviews.
- ii. Use Department guidance, which is a key part of this review. The Department's preference is that technical reports and engineering designs address technical guidance published by the Department as a means to meet all applicable regulatory and statutory requirements. When and if there are technical questions or alternate engineering designs proposed, the Application Manager will expeditiously elevate these to the Section Chief and Program Manager for consultation and resolution. For District Oil and Gas Offices and District Mining Offices the Permits Chief and the Manager will be consulted. If needed, the Program Bureau Director should be consulted if resolution cannot be quickly determined.

¹ More technically complex projects and applications may receive additional deficiency letters as appropriate prior to a decision point. This exception will not void inclusion in the Permit Decision Guarantee and will follow program specific guidance that is developed. The more technically complex projects and applications are noted with an asterisk (“*”) in Appendix A.

- iii. Not rely on personal preference or opinion, or regional interpretation of statute, regulation or guidance that is inconsistent with the Department's statewide interpretation. Staff should confer with the appropriate Bureau Director as necessary.
- iv. Process technically adequate and scientifically sound applications for final approval to minimize elapsed time in accordance with the Permit Decision Guarantee.
- v. Where the Application Manager determines that the technical information submitted with the application does not meet technical guidance or standards published by the Department, the application must provide the scientific or engineering basis to support the application. Note that deviations from technical guidance can generally be approved, by the appropriate section chief and manager, when warranted, provided acceptable justification has been submitted. Minor deficiencies that can be easily corrected should be addressed through a telephone call with the applicant and consultant, and may negate the need for a deficiency letter. The Program Manager or District Manager will be responsible for making that decision.
- vi. If an application fails to provide the technical information necessary to document that applicable regulatory and statutory requirements will be achieved, it is technically deficient and the Application Manager will prepare a technical deficiency letter. Again, all deficiencies noted must cite the statutory or regulatory obligation that the application has failed to meet and the Section Chief and the Program Manager will routinely review these letters. For District Oil and Gas Offices and District Mining Offices the Permits Chief and the Manager will review the letters.

One² technical deficiency letter will be sent. Each deficiency cited must note the statute, regulation or technical guidance provision. Technical guidance provides a means to compliance, but may not be used or cited when issuing a permit denial. The letter will state, as necessary, that the Permit Decision Guarantee is no longer applicable and offer the applicant an opportunity to meet and discuss the deficiencies. The letter will include a deadline for submission of the deficient information.

- vii. Applicant responses that do not make the application technically adequate within the established response timeframe will be subject to the Elevated Review Process below. Applications that are made technically adequate within the established response timeframe will proceed to processing for final action.

² More technically complex projects and applications may receive additional deficiency letters as appropriate prior to a decision point. This exception will not void inclusion in the Permit Decision Guarantee and will follow program specific guidance that is developed. The more technically complex projects and applications are noted with an asterisk (“*”) in Appendix A.

7. Elevated Review Process

Applications that are technically deficient, and for which the deficiencies have not been resolved satisfactorily within the established response timeframe, for any reason, will be subjected to the elevated review process. This process will include the following:

- i. The Program Manager will notify the Regional Director of the elevated review, and arrange a time to discuss the details of the application and the noted deficiencies. The Program Manager and the Regional Director may contact the Bureau Director and/or the Deputy Secretary for advice or assistance. For District Oil and Gas Offices and District Mining Offices the District Manager will notify the Bureau Director of the elevated review and arrange a time to discuss the details of the application and the deficiencies. The District Manager and Bureau Director may contact the Deputy Secretary for advice or assistance as necessary.
- ii. Complex projects involving multiple permit applications with multiple deficiencies may require a face-to-face meeting of all staff involved.
- iii. Staff will agree on a direction for final review of the permit application(s), which may include a face-to-face meeting with the Applicant and the consultant(s) or a telephone call with the Applicant and the consultant(s) to discuss the deficiencies. If the meeting or call results in a resolution, the Regional Director or District Manager may provide the applicant with an additional ten business days to respond. If resolution cannot be reached, the deficiencies must be elevated to the Bureau Director for review. The Bureau Director will provide direction on the permit decision which may be advancing with denial of the permit application (see 8 (iii.) below).
- iv. The Elevated Review Process will receive a high priority by Directors and will be completed within fifteen business days of first notification of elevated review by the Program Manager or District Manager. Note that the Assistant Regional Directors or the appropriate Bureau Division Chiefs may substitute for the Directors when needed to meet the fifteen business day deadline.

8. Permit Decision

i. Permit Decision Guarantee

The Permit Decision Guarantee will apply only to those applications listed in Appendix A that are complete, technically adequate applications that address all applicable regulatory and statutory requirements in the first submission.

- (a.) Should the Department fail to meet the established Permit Decision Guarantee Timeframe, a decision on the application shall be the

next actionable application within the appropriate permitting program. Specifically, upon failing to meet the established Permit Decision Guarantee Timeframe, the appropriate Program Manager and Regional Director or appropriate District Manager and Bureau Director will have five (5) business days to make an appropriate decision from the options listed in (ii.) through (iii.) below. If that timeline is not met, a meeting will be scheduled with the Secretary of the Department to determine why the deadline was missed.

ii. Approval

Applications that are complete and adequately demonstrate that they meet all applicable regulatory and statutory requirements with no remaining deficiencies will be approved in accordance with the applicable program procedures.

iii. Denial

Applications may be denied if they continue to possess technical deficiencies after two technical reviews, and cannot adequately demonstrate that they meet all applicable regulatory and statutory requirements. Applications that are denied will forfeit all fees. Denied applications will need to be re-submitted following appropriate program requirements and procedures and will be considered a new application.

9. Permit Application Tracking

The Department will maintain a Department-wide application processing system for tracking applications covered by this policy. Department programs are required to track the specifics of each application identifying dates associated with receipt, Completeness Review, Technical Review, the Elevated Review Process (if necessary), and finally Permit Decision.

To review and monitor progress made on application processing for the permits:

- i. Weekly permit tracking reports will be generated for Section Chiefs and Program Managers. Section Chiefs and Program Managers will meet bi-weekly to discuss processing times and address actions to avoid backlogs. For District Oil and Gas Offices and District Mining Offices these bi-weekly meetings should be held with the Permits Chief and District Manager.
- ii. Bi-weekly meetings will be held by Regional Directors, Assistant Regional Directors and Program Managers to discuss processing times and address actions to avoid backlogs. For District Oil and Gas Offices and District Mining Offices these bi-weekly meetings should be held with the Deputy Secretary, Bureau Director and District Manager.

- iii. Monthly reports will be generated for review by the Regional and Program Bureau Directors. Program Bureau Directors shall hold bi-monthly conference calls with applicable Field Operations Program Managers, District Managers and Assistant Regional Directors to discuss permit processing and to alert Deputy Secretaries to any potential problems with meeting the Permit Decision Guarantee.
- iv. Quarterly reports will be generated for Deputy Secretaries.

Appendix A
Permits included in the Permit Decision Guarantee (PDG)

Authorization Type Description	Application Type Code ³	PDG Timeframe (Business Days) ⁴
ACTIVE AND ABANDONED MINE OPERATIONS		
-Mining Coal Regulatory-		
Mining Stormwater General Permit	NEW	130
Coal Mining Blast Plan Approval		
	NEW	60
	AMEN	60
Underground Mining Permit*		
	NEW	380
	AMIN	200
	AMAJ	380
	TRAN	100
NPDES Coal Mine		
	NEW	130
	MOD	130
Surface Mining Permit		
	NEW	130
	AMIN	130
	AMAJ	130
	TRAN	130
Coal Mining Surface Mining Permit Sub F & G*		
	NEW	130
	AMIN	130
GP12 Coal Prep Plant Emissions Permit		
	NEW	70
	MOD	70
Preparation-Processing Plant Permit*		
	NEW	350
	AMIN	90
	AMAJ	130
	TRAN	90

³ An Application Type Code Dictionary can be found at the bottom of the table.

⁴ Permit Decision Guarantee Timeframe listed may differ from applicable statutory or regulatory requirements due to the change from calendar days to business days.

Authorization Type Description	Application Type Code	PDG Timeframe (Business Days)
Refuse Disposal Permit*		
	NEW	550
	AMIN	130
	AMAJ	300
	TRAN	90
Refuse Reprocessing Permit		
	NEW	130
	AMIN	130
	AMAJ	130
	TRAN	130
Exploration Mining Stormwater General Permit	NEW	30
-Mining Industrial Minerals Regulatory-		
Industrial Minerals Blast Plan Approval	NEW	60
Small Surface Mining Permit	NEW	120
Large Surface Mining Permit		
	NEW	150
	AMAJ	150
	AMIN	130
Large Surface Mining Permit for GW*		
	AMAJ	150
	NEW	150
Industrial Minerals Bonding Increment		
	NEW	70
	AMEN	70
AMS Mining Plans-Mine Opening Plans		
	NEW	43
	AMEN	43
GP105 Bluestone General Permit	NEW	120
Mining Industrial Minerals General Permit Short-term Construction		
	NEW	120
	AMIN	120
	AMAJ	120
Mining Stormwater General Permit		
	NEW	120
	MOD	30

Authorization Type Description	Application Type Code	PDG Timeframe (Business Days)
Bluestone Surface Mining Permit		
	NEW	130
	AMIN	120
	AMAJ	120
Industrial Minerals Underground Mining Permit		
	NEW	160
	AMIN	120
NPDES Industrial Mineral Mine		
	NEW	120
	MOD	120
-Blasting Activity-		
Blasting Activity Permit	NEW	20
OIL & GAS MANAGEMENT		
Drill & Operate Well Permit		
	NEW	32
	REN	32
OG-71 Alternate Waste Management Practice	NEW	43
OG-24 Alternate Method of Casing, Plugging, Venting or Equipping a Well	NEW	43
OG-57 Waiver (Spring, Stream, Body of Water, or Wetland)	NEW	43
OG-58 Variance (Existing Building or Water Supply)	NEW	43
Drill & Operate Well Permit Alteration		
	NEW	32
	REN	32
Drill & Operate Well Permit Change in Use	NEW	32
Drill & Operate Well Permit Drill Deeper		
	NEW	32
	REN	32
Drill & Operate Well Permit Disposal/Enhanced Recovery		
	NEW	32
	REN	32
Drill & Operate Well Permit Client Transfer	TRAN	32
Drill & Operate Well Permit Re-drill		
	NEW	32
	REN	32

Authorization Type Description	Application Type Code	PDG Timeframe (Business Days)
E&S Stormwater General Permit		
	NEW	43
	AMEN	43
	TRAN	22
Expedited E&S Stormwater General Permit		
	NEW	14
	AMEN	14
	TRAN	14
WASTE, AIR, RADIATION AND REMEDIATION		
-Environmental Cleanup & Brownfields: Storage Tanks-		
Site Specific Installation Permit	NEW	72
-Air Quality-		
Minor Facility Plan Approval State Regulation	NEW	130
Minor Facility Plan Approval New Source Performance Standards	NEW	130
Minor Facility Plan Approval National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61) Standards (40 CFR Part 61)	NEW	130
Minor Facility Plan Approval MACT Hazardous Air Pollutants (40 CFR Part 63)	NEW	130
Major Facility Plan Approval State Regulation	NEW	150
Major Facility Plan Approval New Source Performance Standards	NEW	150
Major Facility Plan Approval National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61)	NEW	150
-Municipal Waste-		
General Permits⁵		
	NEW	143
	REN	143
	Registration	43
Determination of Applicability		86
	MOD	100

⁵ Information on Municipal and Residual Waste General Permits is available on the Department's website at www.dep.state.pa.us, keyword: Waste Management Permits.

Authorization Type Description	Application Type Code	PDG Timeframe (Business Days)
Landfill Permits		
	Min. Mod	143
Change in the approved groundwater monitoring plan, except for the addition or replacement of wells or parameters.	Maj. Mod	186
Change in the approved leachate collection and treatment method.	Maj. Mod	186
Change in gas monitoring or management plan, or both, except when installation of additional wells or improvements to the collection systems are proposed.	Maj. Mod	186
Change in the approved closure plan.	Maj. Mod	186
Acceptance for disposal of types of waste not approved in the permit.	Maj. Mod	186
Change in ownership, unless the owner is the permittee, in which case permit reissuance is required under § 271.221 (relating to permit reissuance).	Maj. Mod	186
Change in approved design under § 271.231 (relating to equivalency review procedure) if the design has not been previously approved through an equivalency review.	Maj. Mod	186
The submission of an abatement plan.	Maj. Mod	186
Change in operator, unless the operator is the permittee, in which case permit reissuance is required under § 271.221.	Maj. Mod	186
Submission of a radiation protection action plan.	Maj. Mod	186
Form U with approved Waste Acceptance Plan (WAP)		11
Form U w/ RAD material		33
Transfer Station Permits		
	Min. Mod	100
Change in the approved groundwater monitoring plan, except for the addition or replacement of wells or parameters.	Maj. Mod	186
Change in approved closure plan.	Maj. Mod	186
Acceptance for processing of types of waste not approved in the permit.	Maj. Mod	186
Change in residue disposal area, if applicable.	Maj. Mod	186
Change in approved design under § 271.231 if the design has not been previously approved through an equivalency review.	Maj. Mod	186
Change in ownership, unless the owner is the permittee, in which case permit reissuance is required under § 271.221 (relating to permit reissuance).	Maj. Mod	186

Authorization Type Description	Application Type Code	PDG Timeframe (Business Days)
Transfer Station Permits (cont.)		
Change in operator, unless the operator is the permittee, in which case permit reissuance is required under § 271.221.	Maj. Mod	186
Submission of a radiation protection action plan.	Maj. Mod	186
Form U with approved Waste Acceptance Plan (WAP)		11
Form U w/ RAD material		33
Resource Recovery Permits		
	Min. Mod	100
Change in the approved groundwater monitoring plan, except for the addition or replacement of wells or parameters.	Maj. Mod	186
Change in approved closure plan.	Maj. Mod	186
Acceptance for processing of types of waste not approved in the permit.	Maj. Mod	186
Change in residue disposal area, if applicable.	Maj. Mod	186
Change in approved design under § 271.231 if the design has not been previously approved through an equivalency review.	Maj. Mod	186
Change in ownership, unless the owner is the permittee, in which case permit reissuance is required under § 271.221 (relating to permit reissuance).	Maj. Mod	186
Change in operator, unless the operator is the permittee, in which case permit reissuance is required under § 271.221.	Maj. Mod	186
Submission of a radiation protection action plan.	Maj. Mod	186
Form U with approved Waste Acceptance Plan (WAP)		11
Form U w/ RAD material		33
Processing & Composting Permits		
	Min. Mod	100
Change in the approved groundwater monitoring plan, except for the addition or replacement of wells or parameters.	Maj. Mod	186
Change in approved closure plan.	Maj. Mod	186
Acceptance for processing of types of waste not approved in the permit.	Maj. Mod	186
Change in residue disposal area, if applicable.	Maj. Mod	186
Change in approved design under § 271.231 if the design has not been previously approved through an equivalency review.	Maj. Mod	186
Change in ownership, unless the owner is the permittee, in which case permit reissuance is required under § 271.221 (relating to permit reissuance).	Maj. Mod	186

Authorization Type Description	Application Type Code	PDG Timeframe (Business Days)
Processing & Composting Permits (cont.)		
Change in operator, unless the operator is the permittee, in which case permit reissuance is required under § 271.221.	Maj. Mod	186
Submission of a radiation protection action plan.	Maj. Mod	186
Form U with approved Waste Acceptance Plan (WAP)		11
Form U w/ RAD material		33
-Residual Waste-		
General Permits		
	NEW	143
	REN	143
	Registration	43
Determination of Applicability		86
	MOD	100
Landfill Permits		
	Min. Mod	143
Change in the approved groundwater monitoring plan, except for the addition or replacement of wells or parameters, or a change in the groundwater monitoring plan for a facility permitted prior to the effective date of these regulations to comply with the requirements of Article IX (relating to residual waste management).”	Maj. Mod	186
Change in the approved leachate collection and treatment method.	Maj. Mod	186
Change in gas monitoring or management plan, or both, except when installation of additional wells or improvements to the collection systems are proposed.	Maj. Mod	186
Change in the approved closure plan.	Maj. Mod	186
The acceptance for disposal of types of waste not approved in the permit.	Maj. Mod	186
Change in ownership, unless the owner is the permittee, in which case permit reissuance is required under § 287.221 (relating to permit reissuance).	Maj. Mod	186
Change in approved design under § 287.231 (relating to equivalency review procedure) if the design has not been previously approved through an equivalency review.	Maj. Mod	186
The submission of an abatement plan.	Maj. Mod	186
Change in operator, unless the operator is the permittee, in which case permit reissuance is required under § 287.221.	Maj. Mod	186

Authorization Type Description	Application Type Code	PDG Timeframe (Business Days)
Landfill Permits (cont.)		
Submission of a radiation protection action plan.	Maj. Mod	186
Form U with approved Waste Acceptance Plan (WAP)		11
Form U w/ RAD material		33
Transfer Station Permits		
	Min. Mod	100
A change in the approved groundwater monitoring plan, except for the addition or replacement of wells or parameters.	Maj. Mod	186
Change in approved closure plan.	Maj. Mod	186
The acceptance for processing of types of waste not approved in the permit.	Maj. Mod	186
Change in residue disposal area, if applicable.	Maj. Mod	186
Change in approved design under § 287.231 if the design has not been previously approved through an equivalency review.	Maj. Mod	186
Change in ownership, unless the owner is the permittee, in which case permit reissuance is required under § 287.221 (relating to permit reissuance).	Maj. Mod	186
Change in operator, unless the operator is the permittee, in which case permit reissuance is required under § 287.221.	Maj. Mod	186
Submission of a radiation protection action plan.	Maj. Mod	186
Form U with approved Waste Acceptance Plan (WAP)		11
Form U w/ RAD material		33
Resource Recovery Permits		
	Min. Mod	100
Change in the approved groundwater monitoring plan, except for the addition or replacement of wells or parameters.	Maj. Mod	186
Change in approved closure plan.	Maj. Mod	186
Acceptance for processing of types of waste not approved in the permit.	Maj. Mod	186
Change in residue disposal area, if applicable.	Maj. Mod	186
Change in approved design under § 271.231 if the design has not been previously approved through an equivalency review.	Maj. Mod	186
Change in ownership, unless the owner is the permittee, in which case permit reissuance is required under § 271.221 (relating to permit reissuance).	Maj. Mod	186
Change in operator, unless the operator is the permittee, in which case permit reissuance is required under § 271.221.	Maj. Mod	186
Submission of a radiation protection action plan.	Maj. Mod	186

Authorization Type Description	Application Type Code	PDG Timeframe (Business Days)
Resource Recovery Permits (cont.)		
Form U with approved Waste Acceptance Plan (WAP)		11
Form U w/ RAD material		33
Processing & Composting Permits		
	Min. Mod	100
A change in the approved groundwater monitoring plan, except for the addition or replacement of wells or parameters.	Maj. Mod	186
Change in approved closure plan.	Maj. Mod	186
The acceptance for processing of types of waste not approved in the permit.	Maj. Mod	186
Change in residue disposal area, if applicable.	Maj. Mod	186
Change in approved design under § 287.231 if the design has not been previously approved through an equivalency review.	Maj. Mod	186
Change in ownership, unless the owner is the permittee, in which case permit reissuance is required under § 287.221 (relating to permit reissuance).	Maj. Mod	186
Change in operator, unless the operator is the permittee, in which case permit reissuance is required under § 287.221.	Maj. Mod	186
Submission of a radiation protection action plan.	Maj. Mod	186
Form U with approved Waste Acceptance Plan (WAP)		11
Form U w/ RAD material		33
WATER MANAGEMENT		
-Safe Drinking Water-		
Public Water Supply Permit Community Water System Construction⁶		
	NEW	120
	AMAJ	120
	AMIN	60
	TRAN	60
Public Water Supply Permit Community Water System Operations		
	NEW	20
	AMEN	20
	TRAN	60

⁶ Public water supply permit applications for innovative technologies are not included in the Permit Decision Guarantee.

Authorization Type Description	Application Type Code	PDG Timeframe (Business Days)
-State Water Pollution Control-		
Water Quality Management (WQM) Part II, Industrial Wastewater Facility	NEW	65
WQM Part II, Sewage Facility	NEW	85
WQM Part II, Sewer Extensions & Pumping Stations	NEW	65
WQM Part II, Manure Storage Facility for CAFO	NEW	85
WQM Part II, Sewerage Treatment Plant Land Application	NEW	143
WQM Part II, Industrial Waste, Land Application	NEW	143
-National Pollutant Discharge Elimination System (NPDES)-		
NPDES Permit Stormwater Industrial Site Runoff (Individual)	NEW	188
Minor IW Facility without ELG	NEW	188
Minor IW Facility with ELG	NEW	188
Major IW Facility < 250 MGD	NEW	188
Minor Sewage Facility <0.05 MGD	NEW	188
Minor Sewage Facility >=0.05 and <1 MGD	NEW	188
Major Sewage Facility >=1 and <5 MGD	NEW	188
Minor Sewage Facility with CSOs	NEW	188
Major Sewage Facility >= 5 MGD	NEW	188
Major Sewage Facility with CSOs	NEW	188
Concentrated Animal Feed Operations Individual NPDES	NEW	143
Concentrated Aquatic Animal Production- Individual Permit	NEW	188
PAG-03 Discharge of Stormwater Associated with Industrial	NEW	57
PAG-10 Discharge Resulting from Hydrostatic Testing of	NEW	43
PAG-12 NPDES General Permit for Concentrated Animal Feeding Operations	NEW	43
-Dam Safety-		
Dam Safety Permit	NEW	157
Environmental Assessment Review for Dam-Related Activities	NEW	157
-Erosion & Sediment Control-		
NPDES Stormwater Construction Permit-Individual		
	NEW	107
	AMEN	107
	REN	107
	TRAN	22
Co-Permittee NPDES Stormwater Construction Permit-Individual	AMEN	22

Authorization Type Description	Application Type Code	PDG Timeframe (Business Days)
-Water Obstruction & Encroachment-		
GP-5 Utility Line Stream Crossings	NEW	50
GP-11 Maintenance, Testing, Repair, Rehabilitation or Replacement General Permit	NEW	86
Environmental Assessment for Waived Activities for Water Obstruction & Encroachment	NEW	86
Water Obstruction & Encroachment Permit		
	NEW	93
	AMAJ	93

Application Type Code Dictionary

CODE	DESCRIPTION
NEW	New
REN	Renewal
TRAN	Transfer
MOD	Modification
Min. Mod	Minor Modification
Maj. Mod	Major Modification
AMEN	Amendment
AMIN	Minor Amendment
AMAJ	Major Amendment

Appendix B

Policy for Permit Coordination (ID No. 021-2000-301)

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of Program Integration

DOCUMENT NUMBER: 021-2000-301

TITLE: Policy for Permit Coordination

EFFECTIVE DATE: November 2, 2012

AUTHORITY: Executive Order 2012-11

POLICY: It is the policy of the Department of Environmental Protection (Department) to coordinate the review of projects that require multiple agency permits from various agency programs to maximize the efficient use of resources, provide clarity to the applicant and ensure consistent Department actions.

This policy clarifies the permit coordination procedures referenced in the “Policy for Implementing the Department of Environmental Protection (Department) Permit Review Process and Permit Decision Guarantee” 021-2100-001.

PURPOSE: The purposes of this policy are to:

1. Ensure a coordinated and timely review of projects with multiple Department permits.
2. Promote comprehensive staff reviews and coordination within the Department and with the permit applicant on all technical and environmental matters related to the project.
3. Ensure potential project issues are identified early so that timely and appropriate public outreach measures are taken and technical/coordination issues are considered and resolved appropriately.
4. Allow for the tracking of coordinated projects.
5. Allow for the tracking of coordinated projects.

APPLICABILITY: This policy applies to projects that require multiple permits from the Department. It applies to County Conservation Districts’ permit review staff that complete delegated duties on behalf of the Department. The policy is not to be applied where it differs from statutory or regulatory requirements.

DISCLAIMER: The policies and procedures outlined in this guidance are intended to supplement existing requirements. Nothing in the policies or procedures shall affect regulatory requirements.

The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in these policies 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.

PAGE LENGTH: 9 pages, including appendices

DEFINITIONS:

1. “*Applicant*” – for the purpose of this policy, it is the entity (i.e., an individual, partnership, association, company, corporation, municipality, municipal authority, political subdivision or an agency of Federal or State government) that submits an application to conduct an activity authorized by the Department, such as the person responsible for owning, maintaining, and/or operating all or part of the overall project. This term is also defined in other Department policies as project sponsor.
2. “*Application Manager*” – the specific Department staff member that will be responsible for the processing of an application and will be the primary contact for the project management, a.k.a. reviewer, permit reviewer or permit writer.
3. “*Permits*” – authorizations issued by the Department, giving approval to perform a regulated activity. For the purpose of this policy, “permits” includes the authorization types such as: permits, plan approvals and registrations under general permits. This definition does not include certifications and licenses.

PROCEDURES:

Pre Application Conferences

A pre-application conference is the foundation for improved understanding and communication between the potential applicant and the Department. The pre-application conference allows the Department, consultant and Applicant to discuss project details and seek clarification on applicable regulatory and statutory requirements. Upon request by the Applicant, the Department will schedule pre-application conferences when deemed to be necessary. Assistant Regional Directors will arrange these conferences in most cases and will also coordinate pre-application conferences for large scale, multi-permit projects. The Department will also include, as necessary, applicable partners (such as County Conservation Districts) in the pre-application conferences. For very large, high-priority economic development projects, the Regional Director will take the lead role in terms of coordinating meetings for the Department. For District Oil and Gas Offices and District Mining Offices the Permits Chief or Manager will arrange these conferences.

For the applicant and the applicant’s consultant, the time invested in a pre-application conference pays dividends in the form of complete and technically adequate submissions, and shorter processing times resulting from a better understanding of the project and complicated matters prior to application submission. Further, these meetings are critical and highly recommended when large scale, multi-permitted facilities are involved and when a project spans multiple counties or regions or if federal permit coordination will be required.

The Department will seek as much information from the Applicant prior to the pre-application conference to ensure that all appropriate staff/programs are present and the outcome of the conference effectively outlines expectations and communicates next steps. This information may include but is not limited to detailed maps, plans and narrative, project location, project scope and project timeline.

Based on the Applicant’s proposed project, the Department will provide an explanation of the number and type of permits required for the project; an explanation of the process and interrelationships of the various permits; discuss the need for or potential for public meetings or hearings; and, as possible, provide the applicant with the Permit Decision Guarantee timeframe. The Permit Decision Guarantee

timeframe is contingent upon submission of a complete, technically adequate application addressing all applicable regulatory and statutory requirements. Additionally, the Department may recommend that the applicant seek public input prior to submitting an application.

The Pre-Application Checklist (Appendix A) may be used by Department staff to guide discussions at the pre-application conference. Department staff may provide a Summary Letter (Appendix B) following a pre-application conference to confirm discussions and when possible provide permit processing timeframes for the proposed project.

For projects that require multiple permits, the review for which will require significant Department time and resources, the Applicant will be requested to submit a proposed project schedule for review and concurrence by the Department. This schedule should outline in a timely and logical sequence, the expected submission dates and issuance dates for all permits needed for the overall project. It will be the responsibility of the Assistant Regional Director to coordinate the review of all permits necessary for the project. For District Oil and Gas Offices and District Mining Offices the Permits Chief or District Manager will, as necessary, coordinate the review of other permits needed for the project.

Permit Application Monitoring and Tracking

The Department will maintain a Department-wide application processing system for tracking permit applications. To review and monitor progress made on permit processing appropriate Department staff will attend regularly scheduled internal meetings to discuss incoming applications and coordinate issues as outlined in the Policy for Implementing the Department of Environmental Protection (Department) Permit Review Process and Permit Decision Guarantee (021-2100-001).

Coordination within the Department

1. A project located in the PA Coastal Zone (specific portions of Lake Erie and the Delaware River and adjoining lands) requires consistency with the Coastal Zone Management Plan (394-0300-001) and approval from the Interstate Waters Office, Coastal Resources Management program prior to permit approval by other programs within the Department.
2. The Application Manager will follow the Land Use Review Policy (012-0200-001) in coordinating land use issues with the Office of Policy and the Local Government Liaisons. The Assistant Regional Director, District Mining Manager, District Oil and Gas Manager, or Bureau Director shall also be notified of any identified land use conflicts.
3. As needed and applicable, the Application Manager will coordinate with the Environmental Cleanup and Brownfields program regarding permitting at Act 2 and Brownfield sites where remediation has been completed or is proposed. Permitting programs shall take appropriate steps as early as possible to ensure that the proposed redevelopment will not compromise the completed or proposed remediation for the site.

Coordination with other agencies

Department staff, when necessary, will follow existing coordination/concurrence procedures with other agencies. These ancillary activities may be in addition to the Department's review of the permit application and may delay final permit issuance; however the Department will work cooperatively with other agencies to advance necessary approvals. The coordination with other agencies includes but is not limited to:

- The Delaware and Susquehanna River Basin Commissions for water allocation permits and the Department's Safe Drinking Water Program for proposed public water supply wells greater than 10,000 GPD within the Delaware River Basin Commission groundwater protected area;
- County Conservation Districts for certain permits authorizing earthmoving for construction activities;
- PA Department of Conservation and Natural Resources (PADCNR) for permits requiring PA Natural Diversity Inventory (PNDI) checks;
- PA DCNR Bureau of Forestry for proposed water allocation projects to be located on state forest land;
- PA Historic and Museum Commission for permits requiring checks for historic or archaeological significance;
- PA Department of Transportation (PennDOT) for certain landfill, waste transportation permits and highway occupancy permits;
- U.S. Army Corps of Engineers for permits involving impacts to streams or wetlands, activities involving dams, and activities in certain water bodies;
- U.S. Environmental Protection Agency for certain air quality, water discharge permits and RCRA, CERCLA, TOSCA and One Cleanup approvals;
- Federal Land Managers including the U.S. Forest Service, National Park Service the U.S. Fish and Wildlife Service (for Prevention of Significant Deterioration Plan Approvals);
- FAA for new landfill permits;
- U.S. Office Surface Mining for permits for mining under properties listed on the Register of Historic Places;
- PA Fish and Boat Commission for proposed water allocation and drinking water projects, coordination of comments on threatened and endangered species and 105 permits;
- U.S. Fish and Wildlife Service for federally listed threatened and endangered species surveys within impact areas; and,
- PA Game Commission for proposed water allocation projects to be located on state game lands.

Permit Decisions

Applications that are complete and adequately demonstrate that all applicable regulatory and statutory requirements are met, and with no remaining deficiencies will be approved in accordance with the applicable program procedures. Applications may be denied if technical deficiencies persist after two technical reviews, or fail to adequately demonstrate that all applicable regulatory and statutory requirements are met. Applications that are denied will forfeit all fees. Denied applications will need to be re-submitted following appropriate program requirements and procedures and will be considered a new application.

Where appropriate, interdependent permits required for a project may be issued simultaneously with the concurrence of the Assistant Regional Director, District Mining Manager, District Oil and Gas Manager or Bureau Director depending on the program and location issuing the permit.

While simultaneous permit issuance may not be possible or recommended for all projects, the Department will continue to process related permits to ensure timely permit issuance in accordance with the "Policy for Implementing the Department of Environmental Protection (Department) Permit Review Process and Permit Decision Guarantee" 021-2100-001.

**Appendix A
Pre-Application Conference Checklist**



Meeting Date:			
Project:			
Acres			
Est. Jobs			
Watershed			
Milestones (including Date):			
Site History:			
	Contamination?	Act 2 Cl/up Y/N	NIR Date
Brownfield			
Site Considerations	Y/N		
Environmental Justice Community			
Special Protection Watershed			
Existing/Designated Use			
Air Quality Nonattainment Area			
Soil/Geologic issues			
Wellhead Protection Area			
Coastal Zone			
Issue	Auth/Permit	Applicable (Y/N)	
Sewage	Act 537		
	NPDES		
	Part 2		
Industrial Waste	NPDES		
	Stormwater		
	Part 2		
Water Supply	PWS		
	Allocation		
	DRBC/SRBC Coord.		
Erosion Control/Stormwater	102 NPDES GP		
	102 Individ. NPDES		
	ESCGP2 and E&S Permits		
Encroachments/Wetlands	GP		
	Joint 105		
	106		
	Dam Safety		
Waste Management	Municipal		

	Residual	
	Hazardous	
	GP	
	PBR	
Air Quality	RFD	
	GPs	
	Plan Approval	
	- Major NSR	
	- Minor NSR	
	Asbestos Removal	
	Other	
	Regulatory Applicability	
Storage Tanks	Registration	
	Installation	
Oil and Gas	Drilling Permit	
	ESCGP	
	Water Mgmt Plan	
	Other	
Miscellaneous Opportunities		
	Pollution Prevention	
	Green Design	
	Energy Efficiency	
	Stream/floodplain Restoration	
	Riparian Buffers	
	Growing Greener	
	Agricultural Impacts	
	Public Involvement	
	Offsetting/trading/mitigation/compensation	
Permit Coordination	Internal DEP	
	Other Agencies	
	PNDI	
	PHMC	
	Act 67/68	
	Municipalities/Act 14	
Comments:		
Attachment: Attendee List		

Appendix B
Pre-Application Conference Summary Letter



[date]

[Name]
[Address]

Dear [Applicant]:

This is in response to the discussions conducted at the pre-application conference held at (Location) on (DATE) regarding your (NAME) project, proposed in (Municipality), (County).

Based on the information that was provided, the following is a summary of permits needed for this project:

Authorization Type	Permit Decision Guarantee Timeframe	Other Review Timeframe

Please remember to incorporate sufficient time into your project schedule to allow for receipt of all permits needed for the overall project. Also recognize that the Department will not begin its technical review of an application until the submission is complete.

Optional text that may be included depending on the scope of the project: “As a major project, you are strongly encouraged to submit a proposed project schedule. This schedule should outline in a timely and logical sequence, the expected submission dates and issuance dates for all permits needed for the overall project for review and concurrence by the Department.”

Public Input and Participation

Early consultation with the project’s local government organization and the neighboring communities is encouraged. As you develop your project, attempts should be made to address public interests and/or concerns.

Depending on the scope of the project, optional text pertaining to Environmental Justice outreach may also be included. This optional text may include the following:

Be advised that the City of Diversity is considered by the DEP to be an Environmental Justice Community and we strongly recommend that you provide and participate in an enhanced public participation process prior to the application and issuance of any permits. We are attaching the Department policy concerning this enhanced public participation process, which outlines the steps that the Department will take, as well as steps that we encourage you to take to encourage public participation.

Please be aware that permit applications may be subject to any or all of the following: Notice in the *Pennsylvania Bulletin*, notice in a newspaper of general circulation in the project area, a public meeting and/or a public hearing. These opportunities for public input are often required by regulation or statute, but may also be required at the Department's discretion.

If you have any questions, feel free to contact me at [contact information].

Sincerely,

ARD/DMM/DGO/BD

SAMPLE

Appendix C

Plan Approval Application Review Checklist

APPENDIX C

Plan Approval Application Review Checklist

Date Received: _____
PA # _____
Client # _____
Site # _____
APS # _____
Auth # _____
PF Id _____
Municipality _____

ADMINISTRATIVE REVIEW

1. Administrative Task

Item	Yes (✓)/No/Comment
Date stamp the Plan Approval Application	
Administrative Completeness Checklist-2700-FM-AQ0095	
Enter Application/ APS/ Authorization into eFACTs	
Create the client (if necessary), site and PF in EFACTs	
Enter the proper dates for application received in eFACTs;	
Forward To Permitting Section Chief for screening and assignment	

2. Section Chief Screening and Review

Item	Yes (✓)/No/Comment
Public comments/concerns prior to receipt of Plan Approval Application	
Informed Assistant Regional Director, Local Government Liaison and Community Relations Coordinator about applications with public concerns	
Plan Approval Application Assigned to Application Manager Name: _____ Date: _____	
Pre-application meeting notes sent to Application Manager	

3. Application Manager Completeness Review

Item	Yes (✓)/No/Comment
Completeness of GIF?	
Subject to Land Use Policy. Check DCED municipal info site: http://munstatspa.dced.state.pa.us/EAORports.aspx?M=B	
If subject to Land Use, has the applicant provided land use letters from the municipality and county?	
>10 acres earth disturbance (If yes, request PHMC Cultural Resource Notice and clearance letter if requirements (Implementation of the Pennsylvania State History Code: Policy and procedures for Applicants for DEP Permits and Plan Approvals - http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-48583/012-0700-001.pdf) will not be captured by permit applications for other Department programs.)	
For projects involving earth disturbance: Pennsylvania Natural Heritage Program (PNHP) Review receipt for the project area. Include impact clearance letters if agency coordination is required. The clearance letter is not required for	

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF AIR QUALITY

Plan Approval Application Review Checklist

Item	Yes (✓)/No/Comment
completeness, but must be provided prior to plan approval issuance. Note: The applicant should conduct the PNHP review and fulfill all associated requirements.	
Informed Assistant Regional Director and Local Government Liaison about applications with known Land Use Conflicts	
Correct plan approval form used	
Municipal Letters & Notifications Date received: Co. _____ Mun. _____	
Correct fees	
Compliance Form Reviewed	

4. Application Manager Technical Review

• **Detailed Application Review**

Item	Yes (✓)/No/Comment
New facility	
Single Source Determination	
Confidential information in application	
Section A Applicant Identity & Administrative Completeness Checklist	
Section B, Source Category Information: * Source Information (rated capacity, model year, and date constructed) * Fuel Information * Miscellaneous Information	
Section C, Air Cleaning Device: * Pre-control emissions * Air cleaning device(s) information * Cost analysis to support BAT determination, if necessary * Information such as emissions calculation including equations and emission factors used, manufacturer guarantee, maintenance schedule	
Section D, Applicable Requirements * A demonstration that the sources meets all applicable regulatory requirements (PSD, NSR, NSPS, NESHAP, MACT, BACT, LAER,) * A demonstration that the source employs BAT * An ambient air dispersion analysis, if applicable for PSD * A demonstration of availability of ERCs, if needed	
Section E, Compliance Documentation * Monitoring, Testing, Reporting, Recordkeeping, if applicable * Addendum A, Source Applicable Requirements	
Section F, Flue and Contaminant Emission(s) * Estimated emissions	

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR QUALITY
Plan Approval Application Review Checklist

Item	Yes (✓)/No/Comment
* Stack and exhauster information	
Section G, List of Attachments included	
Input GIF and Land Use information into eFACTs	
Incompleteness letter - Copies: Applicant, District Office, and Regional File Date of letter: _____	
Incompleteness response not received within 10 days.	
If incompleteness response not received within 10 days, clerical/administrative staff returns application and check.	
Enter above action in eFACTs	
Additional information obtained during the completeness review that was not included with the original submittal of the application.	
Forward copies of the application for special reviews conducted by other Bureau personnel such as air quality modeling, environmental impacts and analysis or coordination conducted with other Bureaus.	
Completeness Letter - Copies: Applicant, District Office, and Regional File	
Application complete. Clerical/administrative staff assigns check to Clean Air Fund Mobile and Area Facilities Account (20084).	
Application complete. Clerical/administrative staff sends check to Regional Business Manager for processing.	
Application complete. PA Bulletin Notice for Application Received	

CONTENT OF TECHNICAL REVIEW MEMO

Item	Yes (✓)/No/Comment
Is Plan Approval subject to Title V facility or State -Only Operating Permit Requirements?	
Plant Location	
Type of sources and equipment, usage, and installation reason	
Manufacturing date of sources (needed for applicable regulations): _____	
Description of the process	
Controls and modifications that are proposed.	
Statement regarding rated capacities, operating parameters, and variations.	
Compare design parameters (i.e., air to cloth ratio, pressure drop, cite references).	
Verify and quantify emission changes: AP-42, stack tests, material balance or emission factors. Verify calculations and assumptions that were used.	
PM10 & PM 2.5 estimates include filterables and condensables	
Waste combustion & waste/fuel determination requirement	
Compare with similar case (PA or OP# _____)	

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR QUALITY
Plan Approval Application Review Checklist

Item	Yes (✓)/No/Comment
Compare with RACT/BACT/LAER Clearinghouse	
Debottlenecking	
Facility located in an Air basin	
Site located in a Non-attainment area	
Synthetic Minor	
Major source for HAPS	
Potential to Emit and Actual Emissions	
Maximum allowable emission rates	
Emission Limits (NO _x , VOCs, SO _x , CO, CO _{2e} , PM, PM _{2.5} , PM ₁₀ , HAPs, etc.) <input type="checkbox"/> Tpy limits <input type="checkbox"/> lb/fuel input limits <input type="checkbox"/> lb/production unit limits <input type="checkbox"/> Other short term limits <input type="checkbox"/> Time frames/rolling averages <input type="checkbox"/> Throughput limits <input type="checkbox"/> Fuel use limits <input type="checkbox"/> Chapter 123 limits <input type="checkbox"/> Chapter 129 limits <input type="checkbox"/> Projected Actual Emission set as emission limits <input type="checkbox"/> Conditions to assure emissions do not exceed netting significance thresholds	
Regulatory Analysis Summary (statements regarding applicability and compliance with all applicable regulations and requirements) <input type="checkbox"/> NSPS (40 CFR Part 60) <input type="checkbox"/> NESHAP (40 CFR Part 61) <input type="checkbox"/> MACT (40 CFR Part 63) <input type="checkbox"/> Chapter 129 <input type="checkbox"/> BAT analysis <input type="checkbox"/> Greenhouse Gas Tailoring Rule	
A comparison of applicant stated emission rates with all applicable state and federal regulations.	
Source testing requirements <input type="checkbox"/> Pollutants <input type="checkbox"/> Visible emission <input type="checkbox"/> Test methods <input type="checkbox"/> Clarification of PM/PM-10/PM _{2.5} test requirements <input type="checkbox"/> CEMS requirements <input type="checkbox"/> Clarification of NMOC	
Site level requirements	
Explanation of source group requirements	

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR QUALITY
Plan Approval Application Review Checklist

Item	Yes (✓)/No/Comment
Single source determination	
Recommendation on unique conditions, and reasoning for the conditions.	
SIP requirements	
Risk Assessment, if required, reviewed and approved by Bureau of Air Quality	
Recommendation to issue or deny permit	
Proposed issuance time frame	

CREATE PLAN APPROVAL IN eFACTs & AIMS

Item	Yes (✓)/No/Comment
eFACTs	
Update the primary facility (PF) Mailing and Location Addresses in accordance with the application, as necessary	
AIMs	
Review the Primary Facility and verify that a Permit and Responsible Official Contacts are entered and accurate.	
Review the Sub Facilities and verify that the processes, combustion units, incinerators, control devices and stacks you need are in the inventory. Insert any sub facilities that are not in the inventory.	
Linking Plan Approval Application into eFACTs. Auth Id _____	
Go To the AIMS Permit Query Screen & Update the Plan Approval Information.	
Update Sub Facility Information.	
Extract Permit Information from an Existing Operating Permit or Plan Approval.	
Insert Additional Primary Facility Level Requirements.	
Insert the Requirements Common for Multiple Sub Facilities.	
Insert Additional Sub Facility Specific Plan Approval Details.	
For each Sub Facility:	
Insert Sub Facility Requirements	
Insert Source SCCs	
Add a Sub Facility to a Sub Facility Group	
Insert Alternate Operations If the sub facility follows a 'normal' operating scenario skip this part.	
Insert Permit Maps	
Maintain the Standard and Sub Tasks for Permit. Tasks are inserted, updated	

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR QUALITY
Plan Approval Application Review Checklist

Item	Yes (✓)/No/Comment
and deleted in eFACTS. When in AIMS the tasks can be viewed for a permit using the Standard/Sub Tasks TAB.	
Prepare the draft Plan Approval.	
Generate and Print the Plan Approval.	

PROPOSED PLAN APPROVAL

Item	Yes (✓)/No/Comment
Create PA Bulletin Notice of Intent to Issue and newspaper notice, if applicable.	
Plan Approval, review memo, newspaper notice, application to Chief Date Completed: _____	
Edit changes and comments from Section Chief and Program Manager	
Save proposed plan approval to repository	
Send draft Plan Approval to applicant for preliminary comment. Date Sent: _____	
Complete preliminary comment and response with applicant.	
Send finalized draft Plan Approval to applicant Date Sent: _____	
Send finalized draft Plan Approval and memo to inspector and EPA, as appropriate.	

SUBMIT PA BULLETIN NOTICE (Intent to Issue PA) (30 days)

Date sent to BAQ: _____	Published Vol. _____	No. _____	Date _____
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NEWSPAPER NOTICE SENT TO COMPANY (If Req.) (3 days of publication)

Date sent to company: _____	Newspaper. _____	Date _____
Date of Proof of Publication (from the applicant) : _____		

COMMENTS

Item	Yes (✓)/No/Comment
Comments received from Applicant	
Comments received from Regional Operations	
Comments received from Public	
Comments received from EPA	
Edit changes and comments	
Prepare draft responses to Section Chief and Program Manager	
Prepare final comment responses	

COMMONWEALTH OF PENNSYLVANIA
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 BUREAU OF AIR QUALITY

Plan Approval Application Review Checklist

Send Comment & Responses document to EPA, applicant, commenters and inspector	
Addendum Memo describing comments and any extra info since review	
Legal Review	

ISSUE PLAN APPROVAL

Item	Yes (✓)/No/Comment
Finish eFACTs task screen including verifying that all permit coordination issues have been addressed in AIMS.	
Issue Date _____	
Effective date in AIMS (should be same as issue date)	
Enter Expiration Date _____	
Fill in dates in eFACTs and dispose permit	
Prepare plan approval for Program Manager signature	
Clerical staff prepares cover letter after Program Manager signs permit	
Send Public Comment and Response document and cover letter to all commentators	
Send Plan Approval to permittee. Copy - BAQ & District Office & EPA for Title V facilities	

Deny Plan Approval	
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PLAN APPROVAL DISPOSITION

Date sent to BAQ: _____ Published Vol. _____ No. _____ Date _____
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Appendix D

Administrative Completeness Checklist



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR QUALITY

**APPENDIX D
ADMINISTRATIVE COMPLETENESS CHECKLIST**

In accordance with 25 Pa Code, Section 127.12d, the Department will determine whether the application is administratively complete within 30 days. If the Department determines that the application is not administrative complete, the Department will request supplemental information.

I. Applicant Information

Facility Name:	
Facility Location:	
Federal ID Number:	
Contact Name:	
Contact Phone Number:	

II. Application Information

General Information Form (GIF) attached?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Correct Plan Approval Form(s) used?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Copy of Municipal Notifications submitted with proof of receipt?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Correct Application Fees received?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
<input type="checkbox"/> General (Subchapter B) = \$1,000.00 <p style="text-align: center;">Or the sum of the types listed below:</p> <input type="checkbox"/> New Source Review (Subchapter E) = \$5,300.00 <input type="checkbox"/> New Source Performance Standards (Chapter 122) = \$1,700.00 <input type="checkbox"/> National Emission Standards for Hazardous Air Pollutants (Chapter 124) = \$1,700.00 <p style="text-align: right;">TOTAL = _____</p>		
Submitted in triplicate?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Application signed by the responsible official?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Compliance Review Form and/or Supplemental Form included?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

III. Application Evaluation

All applicable Sections of the application completed?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Application information sufficient to begin the technical review?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
If "NO", request supplemental information by:		
Supplemental Information Required:	Supplemental Information Received Date:	
Date of application received by DEP:	Plan Approval / Permit Number:	
Reviewed By:	Date:	



ADMINISTRATIVE COMPLETENESS CHECKLIST

IV. Detailed Application Evaluation

<u>Section A.</u> Applicant Identity & Checklist	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
<u>Section B.</u> Source Category Information			
* Source Information	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
* Fuel Information	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
* Miscellaneous Information	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<u>Section C.</u> Air Cleaning Device:			
* Pre-control emissions	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
* Air cleaning device(s) information	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
* Cost analysis to support BAT determination, if necessary	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
* Information such as emissions calculation, manufacturer guarantee, maintenance schedule	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<u>Section D.</u> Applicable Requirements			
* A demonstration that the source meets all applicable regulatory requirements (PSD, NSR, NSPS, NESHAP, MACT, BACT, LAER)	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
* A demonstration that the source employs BAT	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
* An ambient air dispersion analysis, if applicable for PSD	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
* A demonstration of availability of ERCs, if needed	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<u>Section E.</u> Compliance Documentation			
* Monitoring, Testing, Reporting, Recordkeeping, if applicable	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
* Addendum A, Source Applicable Requirements - Existing Title V Facilities (2700-PM-AQ0018 6/2003)	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<u>Section F.</u> Flue and Contaminant Emission(s)			
* Estimated emissions	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
* Stack and exhauster information	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<u>Section G.</u> List of Attachments included	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>

PSD – Prevention of Significant Deterioration
 NSR – New source Review
 MACT – Maximum Achievable Control Technology
 BACT – Best Available Control Technology

LAER – Lowest Achievable Emission Rate
 ERCs – Emission Reduction Credit
 NSPS – National Standards of Performance for New Stationary Sources
 NESHAP – National Emission Standards for Hazardous Air Pollutants

Appendix E

***Pa. Bulletin* Notice Procedures**

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR QUALITY

APPENDIX E

***Pa. Bulletin* Notice Procedure**

The *Pa. Bulletin* notice should be sent to Bureau of Air Quality's Permit Division for publication in the *Pa. Bulletin* no later than 10 PM on or before the submittal due date which is usually 11 days prior to the publication date.

Please note: a submission calendar is prepared and circulated on an annual basis and is updated to identify exceptions such as holidays or days off to the standard submission schedule.

The format for the notices is as follows:

- Please do not type anything on your submittal page except the notice(s). This includes any type of heading, dates, page numbers, etc. Anything you type must be deleted and this takes extra time. If your notice is in the correct folder, it will be published under the correct heading.
- Place a period (.) at the end of each notice.
- Make sure you include the complete address including street, town, state and zip code. Zip Codes are often omitted. There should only be one (1) space between the state abbreviation and the zip code. Please use PO not P.O.
- Make sure you reference the township/borough and county. These are often omitted. Spell out Township or Borough and County. NO abbreviations.
- If the notice contains more than one (1) sentence, please use two (2) spaces between the period (.) and the start of the next sentence.
- When referencing numbers ten (10) and under, please spell out the number and then type the numeral in parenthesis. Example: ten (10), nine (9), etc. Numbers above ten (10) are written as the numeral only.
- PROOFREAD your notice. Words are often repeated or omitted. Also, there are many instances where the wrong article is used. For example: for the installation of *a boilers...{a indicates one (1)}*. "A" is used before all words beginning with a consonant and includes the sounded "h", long "u" and "o" with a sound such as in "one". "An" is used before all words beginning with a vowel with the

exception of the long “u” and words beginning with a silent “h” such as in “heir”. For more examples, check pages 252 and 253 of the Gregg Reference Manual.

- Avoid using the ampersand (&). This is most often done when the company spans more than one municipality.
- Make sure the format of the permit number is correct (i.e. 25-00001). Sometimes the dashes are omitted. Also, place a colon (:) followed by two (2) spaces after the permit number. The permit number does not contain any letters, with the exception of the GP notices.
- Make sure a comma (,) is placed after the year when referencing dates. Example: August 8, 2000,
- All dates must be spelled out (i.e., August 15, 2000, instead of 8/15/00).
- Telephone Numbers: separate the area code and the telephone number using a dash instead of parentheses. Previously, a telephone number would look like this: (717) 787-4325. The format has been changed to 717-787-4325.
- When referencing the Pa. Code, Pa. is typed with a capital ‘P’ and a lowercase ‘a’ followed by a period (.).
- Please take extra care when placing your notices in the shared folder. Please be sure that notices are placed in the right Regional folder and the right sub-folder. This will ensure that your notice is printed under the right heading. Also, please do not create a new folder for your notice. A folder already exists for each type of notice published. If you feel a new folder should be created, please contact Central Office. Most times, your notice is published under one of the already existing folders and creating a new folder just causes a lot of confusion.

Appendix F

Policy on Public Participation in the Permit Application Review Process

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
POLICY OFFICE**

DOCUMENT ID: 012-0900-003

TITLE: Policy on Public Participation in the Permit Application Review Process

EFFECTIVE DATE: July 16, 2005

AUTHORITY:

Article I, Section 27 of the Pennsylvania Constitution
The Air Pollution Control Act, 35 P.S. §§4001, et seq.
The Solid Waste Management Act, 35 P.S. §§6018.101, et seq.
The Clean Streams Law, 35 P.S. §§691.1, et seq.
The Storage Tank and Spill Prevent Act, 35 P.S. §§6021.101, et seq.
The Hazardous Sites Cleanup Act, 35 P.S. §§6020.101, et seq.
The Safe Drinking Water Act, 35 P.S. §§721.1, et seq.
The Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. §§4000.1, et seq.
The Infectious and Chemotherapeutic Waste Law, 35 P.S. §§6019.1, et seq.
The Surface Mining Conservation and Reclamation Act, 52 P.S. §§1396.1, et seq.
The Noncoal Surface Mining Conservation and Reclamation Act, 52 P.S. §§3301, et seq.
The Bituminous Mine Subsidence and Land Conservation Act, 52 P.S. §§1406.1, et seq.
The Oil and Gas Act, 58 P.S. §601.101, et seq.
The Coal Refuse Disposal Act, 52 P.S. §§30.52, et seq.
The Pennsylvania Sewage Facilities Act, 35 P.S. §§750.1, et seq.
The Dam Safety and Encroachments Act, 32 P.S. §§679.101, et seq.
The Radiation Protection Act, 35 P.S. §§7110.101, et seq.
The Low-Level Radioactive Waste Disposal Act, 35 P.S. §§7130.101, et seq.
The Radon Certification Act, 63 P.S. §§20001, et seq.

POLICY: Public participation is an integral part of environmental decision-making, and it is the policy of the Department that applications for Department approval should provide for effective involvement of the public. It is the intent of the Department to respond appropriately and in a timely manner to all relevant comments received during the permit application review process, particularly when there is a formal public comment process.

PURPOSE: The purpose of this policy is to establish a framework for public participation in the permit application review process. It addresses the issue of responding appropriately to comments made by the public during the review process, and on the timeliness of permit decisions, by providing consistent guidelines for responding to public comments received during the permit application review process.

APPLICABILITY: This policy applies to all permit or plan approval applications reviewed by DEP when there is a public comment process associated with that application. It does not apply to Notices of Intent for coverage under a general permit or any permit by rule.

DISCLAIMER: The policies and procedures outlined in this guidance are intended to supplement existing requirements. Nothing in the policies or procedures shall effect regulatory requirements.

The policies and procedures herein are not an adjudication or regulation. There is no intent on the part of DEP to give the rules in these policies 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.

PAGE LENGTH: 10

LOCATION: Volume 1, Tab 14

I. Background

Involving the public in making decisions about the environment often results in a better decision. Giving the public access to relevant information and a chance to participate in the decision-making process is an integral part of the way the Department operates.

The Department will continually seek to broaden public participation in the decisions the Department makes and give members of the public ample opportunity to share their views by providing comments to the Department for consideration.

By this policy statement, the Department is expanding its guidelines to address public participation in the permit application review process. This policy establishes consistent guidelines for how DEP reviews and responds to comments received during the public participation process in the review of a permit application.

II. How This Policy Relates To Other Public Participation Requirements

Public Participation in the Development of Regulations and Technical Guidance

The Department has a policy in place to address public participation in the development of regulations and technical guidance. The Public Participation in the Permit Application Review Process policy complements the Policy For Public Participation In The Development Of Regulations And Technical Guidance (Document ID#: [012-1920-001](#))

Existing Requirements for Public Participation in the Permit Application Review Process

Different application types may be subject to varying public participation requirements by state and federal statutes, regulations and guidance. The Department will follow all applicable public participation requirements. This policy builds upon those requirements by providing a consistent framework for required public participation activities. It addresses elements not covered by other documents, and seeks to tailor the public participation strategy to the individual project when appropriate.

How to Get More Information

Public participation requirements for different types of applications can be found in the DEP Guide to Permits. For a copy of the guide, please contact the appropriate regional or district

mining office, or visit the DEP website at www.dep.state.pa.us and type in the DEP Keyword “permits”. The public can also register for eNOTICE, a service that will provide a notice by e-mail of information related to applications received in their area, by clicking on the eNOTICE symbol on DEP’s website, or go directly to the following link: <http://www.dep.state.pa.us/enotice/>

III. General Policy

The public includes citizens, interest groups, local governments, businesses, industry associations, and any individual or group who may be affected by the proposed project or activity and shows an interest in participating.

Public participation activities, including planning for and soliciting public input, considering public comments, and responding to public comments, are an integral part of the review process. Considering and responding to public comments should not unduly delay finalizing permit decisions if responses to comments are prepared as soon as possible after receipt.

Public involvement in the permitting process should occur as early as practically possible and as allowed or required by state or federal statute, regulation or guidance.

The Department should utilize a variety of means to ensure adequate public notice of an application including eNotice, publication in the Pennsylvania Bulletin, and other types of notification appropriate to a particular application. Department staff should review all published notices to ensure that they contain enough information for the public to determine a basic level of interest in the projects.

Applicants are encouraged to contact the Department prior to submitting an application. The Department may be able to provide information concerning the permit process, environmental issues including pollution prevention and energy efficiency, and public concerns that should be addressed in the permit application. Addressing these concerns in the initial submission of the application will result in a better application, fewer public comments, and a more effective review process. One of the items that should be discussed prior to submitting an application is how the public may participate in the permit application review process. In many cases, the Department also recommends that the applicant seek public input prior to submitting an application. Department staff will invite all other relevant state agencies to attend a pre-application conference and will strongly encourage these agencies to attend.

Department staff will make every effort to encourage public participation in the permit review process. While each project may be different and have different degrees of public participation requirements set by state or federal statute, regulation or guidance, Department staff should consider the best way to obtain valuable public comment for that project. Staff responsible for reviewing an application should consult with community relations staff (CRC), the local government liaison (LGL), and environmental advocate (EA) in their region.

The Department’s Center for Collaboration and Environmental Dispute Resolution (CEDR) is available to Department staff to consult for ideas on effective public participation. CEDR is coordinated through the Department’s Policy Office and acts as a neutral entity that assists interested parties in resolving matters through facilitation and mediation. For any project that is likely to be controversial, or is expected to generate significant public interest, Department staff should contact the CEDR to discuss options for ensuring effective public participation. CEDR

will work with the Department's outreach staff to create a set of outreach ideas appropriate for the application. For more information about these services, visit CEDR's website at <http://www.depesf.state.pa.us/cedr>.

When developing a strategy for public participation for an application, staff will, at a minimum, meet the regulatory requirements for public participation applicable to the project. Tools available for Department staff include public information meetings, informal conferences, and public hearings. Program staff are encouraged to discuss the different public participation opportunities and explore different options in consultation with CEDR, CRCs, LGLs and EAs. .

After a public hearing, Department permitting staff will prepare, and make available to the public, a Comment and Response Document. The guidelines for preparing the Comment and Response document appear in Section V. Any time there is a public hearing and the Department receives a formal comment from the public regarding a specific permit application for Department approval during established public comment processes, DEP will respond through a Comment and Response Document. The Comment and Response document will be made available to the public upon approval or denial of the application, or earlier in the process if appropriate.

The department must carefully consider all formal public comments, and every relevant comment deserves a substantive response. The public should understand how their comments have been taken into account during the review of the application. Appropriate steps will be taken during the review of an application to address concerns, and the review of relevant comments should occur during the application review rather than held until the end of the process. At times the Department may not agree with a comment, or may not have the authority to address the concern raised. If the Department does not address the relevant comment through the permit decision, Department staff will provide a reasonable explanation of the Department's position.

All responses, including Comment and Response documents, should be as clear and concise as possible. Technical language should be used only when necessary and appropriate to respond to a technical comment.

When appropriate, Department staff should seek to incorporate the public's concerns in the technical review letter to the applicant. These concerns may include non-technical issues. Note that the public meeting or hearing should be conducted prior to preparing and sending the technical review letter.

Minor changes to a project happen routinely during the Department's review of permit applications. There are, however, occasions when a proposed facility or activity, for which the project proponent submitted permit application(s), changes substantially during the course of the Department's review. At times these changes come about as a result of the proponent's wishes; at other times these changes occur as a direct result of the Department's comments or notes of deficiencies. When there are significant changes to a project proposal, Department staff should consider whether additional opportunity for public comment should be afforded, consistent with the provisions of section IV (E), below.

IV. Specific Public Participation Guidelines

A) Public Hearings

Public hearings are formal, structured proceedings. The purpose of a public hearing is to afford members of the public the opportunity to provide oral and/or written comments for the record on an application under review by the Department. The Department shall conduct a public hearing when required by legislation or regulation and may require a public hearing at other times, particularly when there is significant interest in the community. Public hearings should be scheduled at a location in the community where the proposed project is located. To ensure that all attendees have adequate time to provide comment, public hearings are not open dialogue. Written comments may be submitted at the hearing, and a time limit of a maximum of ten minutes will be imposed for oral testimony. Those presenting testimony may not yield their extra time to another person. An official record of the hearing will be prepared by an independent court reporter. Responses to oral and written comments received during the hearing will be included in the comment and response document (see Section V).

Department staff may choose to answer questions, provide information, or use an alternative public participation process prior to, or following, the official public hearing. Program staff should discuss the public hearing format, and whether or not other informational meetings should be held in conjunction with the hearing (or even in lieu of a hearing), with Department staff responsible for outreach as noted in the general policy statements above.

Timing of Public Hearings

Department staff should schedule hearings during the official public comment period or as appropriate for the application under review, to allow ample time to properly consider public comments after the transcripts are received and before the application is approved or denied.

Unless mandated by state or federal law, Department staff may cancel a public hearing if no interested individuals register to offer testimony. If the Department cancels a public hearing, it will provide public notice of the cancellation that is at least equivalent to the notice required of the hearing. In addition, the Department will provide adequate advance notice of the cancellation.

Transcripts from Public Hearings

All public hearings should be transcribed.

According to Commonwealth contract guidelines, transcripts should be provided to the Department within 21 days of the hearing. If transcripts are not received in a timely manner, regional staff should contact their regional business manager for resolution. Central office staff should contact the Bureau of Office Systems and Services, Contracts and Procurement Division.

The Department will not make a final decision until the written transcript is received and all relevant comments have been considered and addressed. Programs should routinely prepare a substantive draft comment response document prior to receipt of the transcript based on written notes taken at the hearing and on written comments received.

B) Public Information Meetings

The Department may hold a public information meeting at any appropriate time in the application review process. The purpose of the meeting must be very clear. Some things to consider when planning and holding a public information meeting include:

- How will this public input be used?
- What is the timing of public input in the review and decision-making process? Does the public participation come at the beginning, end, or middle of the process?
- What are the public's particular interests and needs and how can the Department meet them?
- What other resources or people would be helpful to have in attendance to address concerns or answer questions?
- Could the meeting benefit from having a neutrally perceived facilitator?
- What are the Department's responsibilities to the attendees after the meeting?
- How can the room be set up to promote constructive dialogue?
- How can the Department be sure that all interested members of the public are informed of the meeting, including its logistics and purpose?

It is important for Department staff to use all in-house consulting resources, including the regional community relations coordinators, local government liaisons and environmental advocates, and the Environmental Dispute Coordinator of the Department's Center for Collaboration and Environmental Dispute Resolution, to design the meeting to meet its purpose. District Mining Offices do not have these resources directly within the offices, but these resources are also available to them. DMO staff should involve the CRCs, LGLs and EAs in the corresponding regional offices.

C) Informal Conference

The Department will conduct an informal conference when required by legislation or regulation and may require an informal conference at other times, especially when there is significant interest in the community. These conferences are less formal than public hearings and provide opportunities for discussion with program staff and permit applicant. They will be held within 60 days of the close of the public comment period. The Department will make an electronic or stenographic recording of the conference, unless all parties waive such recording. The Department will provide its findings resulting from the conference to the permit applicant, and to each person who is a party to the conference, within 60 days of the conference.

D) Role of DEP in Public Hearings, Meetings, or Conferences

In all of the meetings mentioned above, or any other public meeting held in connection with a permit application, the Department's role is that of an objective reviewer of the application and an advocate for protecting human health and the environment rather than an advocate of the proposed project or activity. The format of each meeting, conference or hearing should reflect this role. During a meeting that allows for dialogue, Department staff should refer all questions to the applicant that are more appropriate for the applicant to answer. The Department should strongly encourage attendance and participation by the applicant at such meetings. Department staff

responsible for setting up public meetings and hearings are strongly encouraged to consider alternative formats that emphasize the Department's objective role, including the use of a facilitator. Please contact the Department's Center for Collaboration and Environmental Dispute Resolution for more information. For any project that is likely to be controversial, or is expected to generate significant public interest, Department staff should contact the CEDR.

E) Republication to Afford Additional Public Participation

When a project changes substantially during the pendency of the application(s), the Department will consider whether it would be appropriate or useful to afford an additional opportunity for public review and comment. For these purposes, the phrase "changes substantially" means, among other things:

- change of 30% or more, in the size of the facility or activity contemplated in the original proposal;
- change in the purpose for or function of the project;
- change in the location of the project;
- change in the materials that would be used in constructing or operating the project;
- change in the environmental impact of the project; and
- change in the environmental medium or media that would be subject to an impact from the project.

The purpose for soliciting additional public participation is to assure that the public has an opportunity to be heard about the actual project for which the Department contemplates issuing a permit or permits. When the Department concludes that it should re-publish notice of a project because of substantial changes, it will publish the second notice in at least the same venues in which the first notice was published, and will notify, by first class mail, all those who participated in the earlier round of comments.

V. Comment and Response Document

A. Format

A sample format of the Comment and Response document is included as Appendix A.

The document should consist of a cover page with the name of the project, the name of the applicant, the type of permit(s) being approved or denied, the date the public hearing or conference was held, and the county and township where the proposed project or activity is located.

The document should list all of the commentators who submitted comments, both oral and written, during the public hearing. All commentators should be numbered sequentially.

The Comment and Response document may include background information or summary of the application.

All comments should be summarized and grouped according to subject matter. Miscellaneous comments should be in a separate category that follows the specific issue categories.

At the end of each summarized comment, the number of the commentator who submitted the comment should be listed.

Each comment should be followed by a Department response. Each response should adhere to the general guidelines listed above in Section III. If the Department agrees with a comment, the document should say so and explain what changes (if any are required) have been made. If the Department does not agree with a comment, the document should say so and should provide a reason or reasons for rejecting the comment.

The Comment and Response Document should be reviewed and approved by the Program Manager and program counsel.

Addresses

The program will keep a record of addresses of all persons providing comment to the Department pertaining to a specific application. Commentators should be mailed a copy of the Comment and Response Document. If a large number of comments are received or as resources allow, the Department may post the document to its website and send a brief notification of the document's availability to all commentators. Because of security concerns, the Department should not publish the addresses of the commentators in the document; however, the addresses will remain a part of the public record and are available for inspection subject to the provisions of applicable laws.

B. Public Availability of the Comment and Response Document

The Comment and Response Document will be made available to the public at the time the permit application is approved or denied, or earlier if appropriate.

A copy of the Comment and Response Document should be mailed to each person or entity providing formal oral or written comment at the public hearing. As an alternative, the document may be posted to the regional web page, and a notice of availability sent to each person or entity providing formal comment during the hearing. A copy of the Comment and Response Document must be available for public inspection as part of the record file associated with the application.

C. Relation of Comment and Response Document to Other Department Policies

1) Coordination

The Department's Money-Back Guarantee Program recognizes that some projects may require multiple DEP permits. Under that policy (Document ID: [013-2000-001](#)),

coordinated permits are generally held until all reviews have been completed. When this is the case, the Department should prepare and issue one Comment and Response Document for all permit applications at the time the Department approves or denies the applications. The Comment and Response Document should include responses to all public comments made during the review of that project, regardless of the specific application for which the comment was received, and the comments should be organized by permit application. When this is not the case (for example, when there may be a year or more separating different approvals for the same project) a separate comment and response document for each approval will be prepared.

2) Land Use

The Department often receives comments regarding the land use implications of projects. Any comments regarding land use from either a county or a municipality may also be subject to the Department's Policy for Consideration of Local Comprehensive Plans and Zoning Ordinances in DEP Review of Permits for Facilities and Infrastructure (Document ID: [012-0200-001](#)) and should be considered according to the process outlined in that policy. The county or municipal comments should be responded to by permit review staff in the Comment and Response Document or any other vehicle used by that program to respond to comments, and should include the results of any land use review conducted. For further assistance on comments made by a municipality or county regarding land use, please contact the Policy Office at 717-783-8727.

Comments received from the general public other than the county or municipality regarding the land use impacts of a proposed project are not subject to consideration under the above referenced policy. Any comments received from the public concerning land use issues should be responded to in the manner outlined in this policy. If Department staff needs assistance in preparing a response to a comment regarding land use, they may consult with the Policy Office.

3) Environmental Justice

The steps outlined in this policy are considered a minimum to ensure an adequate response to public comments. Some permit applications in certain areas as defined by the Department's Environmental Justice Public Participation Policy may have additional steps that the Department should take to ensure adequate public notice and participation. For more information, review the Environmental Justice Public Participation Policy Document (Document ID: [012-0501-002](#)), or contact the Department's Office of Environmental Advocate at 717-783-5630.

FORMAT FOR COMMENT AND RESPONSE DOCUMENT

(cover page)

BIG COMPANY
BIGGER PROJECT
ACTIVITY PERMIT (Approved or Denied)
SOME TOWNSHIP
ANY COUNTY
COMMENT AND RESPONSE DOCUMENT
DATE

(page 1)

List of Commentators

1. John Smith
Citizen
 2. Jane Smith
President, Neighborhood Watch
 3. John Jones
Solicitor, Great Township
 4. Jane Jones
Manager, Big Company
-

(page 2)

COMMENTS AND RESPONSES

General Comments

1. Comment:

Response:

Test Procedures

2. Comment:

Response:

3. Comment:

Response: