

**Standard Operating Procedure (SOP)¹ for Chapter 109
Public Water Supply (PWS) Minor Permit Amendments and Permit Transfers
Final - November 13, 2012
Revised - August 6, 2013
Version 1.1**

This SOP outlines the procedures and work flows associated with PWS minor permit amendment requests and permit transfer processing¹ under Chapter 109 of the Department's regulations (Safe Drinking Water). The procedures are organized sequentially by activities to be completed by appropriate regional permitting staff. This SOP is intended to be in compliance with the *Policy for Implementing the Department of Environmental Protection (DEP) Permit Review Process and Permit Decision Guarantee* (DEP ID: 021-2100-001). Additionally, for further detail regarding the tasks listed below, see *Part II of Public Water Supply Manual* (DEP ID: 383-2125-108) and Chapter 109 regulations.

MINOR PERMIT AMENDMENTS

For all proposed modifications to a public water system that are determined by DEP not to be major modifications, and therefore classified as a minor modification to the public water system, a written request for a minor permit amendment from the water supplier should be submitted to DEP for processing and review. The request to DEP should include a detailed description of the proposed modification(s). Typical modifications requiring a minor amendment are included in Table 1 of the Appendices. The list in Table 1 is intended to provide some common examples of projects which would be considered as minor modifications, but does not include every possible situation. DEP staff should discern between major and minor modifications on a case-by-case basis.

I. Completeness Review (Application Manager)

Upon receiving a written request for a proposed minor permit amendment, DEP administrative staff should log the request into eFACTS. DEP fees are not required for minor amendments. Once the request for a minor permit amendment is logged in eFACTS, the Application Manager should conduct a completeness review of the permit amendment request within 10 business days. The following information is necessary for a complete submission:

- DEP's *Public Water Supply Permit Application* (3900-PM-BSDW0002)
- Supporting PWS Modules, if applicable
- Detailed written description of the proposed minor amendment

¹ **DISCLAIMER:** The process and procedures outlined in this SOP are intended to supplement existing requirements. Nothing in the SOP shall affect regulatory requirements. The process, procedures and interpretations herein are not adjudication or a regulation. There is no intent on the part of DEP to give the rules in this SOP that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

If the information provided does not include a detailed description of the work and all applicable modules, the Application Manager will contact the applicant or its consultant through a telephone call and request submission of the required information within 10 business days. Upon receipt of the required information, the technical review of the request begins. If the requested information is not received within 10 business days, the Application Manager will prepare a “*Permit Denial Letter - Administratively Incomplete*”. See template in Appendices.

When all information is included as part of the initial review, or when all requested information is received within the required timeframe, the written request will be accepted for technical review.

The applicant should be advised in writing, through an “*Acceptance Letter*” (see Appendices), when the written request is accepted for technical review. The acceptance letter should inform the applicant about permit decision guarantee timeframes and, if applicable, the name and telephone number of the person who will conduct the technical review. Also, the Application Manager should enter the date of the completeness review in eFACTS. The processing time of the request begins when it is deemed by the Application Manager to be a complete request.

II. Technical Review (Application Manager)

A technical review should be conducted by the Application Manager to analyze the permit amendment request for the following:

- Potential adverse health and environmental effects
- Conformance with the Pennsylvania Safe Drinking Water Act and DEP’s regulations in Chapter 109
- PWS Modules, as appropriate
- Detailed description of proposed minor modification
- Comments submitted by the public

If technical deficiencies in the submission are identified by the Application Manager, a “*Technical Deficiency Letter*” should be sent to the project applicant after discussing technical questions with the Technical Services Section Chief and Program Manager. See template in Appendices. The letter should identify all deficiencies. Also, it should address and outline what statutory or regulatory authority is relevant. The letter should also state that the Permit Decision Guarantee is no longer applicable. It is the responsibility of the project applicant to submit to DEP all missing and/or corrected details within 10 business days of receipt of the “*Technical Deficiency*” letter. The Application Manager should enter in eFACTS the date the Technical Deficiency letter was sent.

If the applicant’s responses do not address technical deficiencies identified in the letter within the before-mentioned time frame, the written request will be subjected to the

elevated review process. The Application Manager should enter the date when the elevated review was requested in eFACTS. Under this process, the Program Manager will notify the Regional Director and schedule a meeting with the permit review staff to discuss the deficiencies. A decision concerning the course of action will be made within 15 business days. The decision may involve a face-to-face meeting, a phone call with the applicant and the consultant or a second technical deficiency letter. The applicant may be given a maximum of 10 additional business days to submit the required information.

If resolution cannot be reached, the deficiencies must be elevated to the Bureau Director or Deputy Secretary for review. The Bureau Director or Deputy Secretary will provide direction on the permit decision which may include a second technical deficiency letter (if not already utilized) or advancing with denial of the written request. If the written request is denied, a "*Permit Denial Letter - Technical Deficiency*" should be sent. See template in Appendices.

Submissions that address all deficiencies and meet all applicable regulatory and statutory requirements will generally be approved. The Application Manager should enter in eFACTS the date the technical review was completed.

III. Completion of Technical Review (Technical Services Section Chief)

Once the technical review is completed and compliance with all applicable regulatory and statutory requirements is confirmed by the Application Manager, the Technical Services Section Chief should briefly review the submission and all completed documents. After completion of this review, the Technical Services Section Chief should submit the one signed permit amendment package to the Regional Program Manager for approval.

IV. Final Decision (Program Manager)

Regional Program Managers are responsible for approving or denying the minor permit amendment request.

For minor permit amendment requests that are considered complete and demonstrate that they meet all applicable regulatory and statutory requirements, the Program Manager should sign all necessary forms of approval and submit the minor permit amendment package for processing to administrative staff.

V. Permit Amendment Issuance (Administrative Staff)

A minor permit amendment should be issued to the project applicant within 60 business days of receipt of a written request that is deemed complete. DEP should publish a notice in the *Pennsylvania Bulletin* which identifies the system's name and permit number, as well as describes the permitted activities. Administrative staff should enter in eFACTS the date of the permit issuance.

Written requests will be denied if they contain technical deficiencies after one or two technical reviews (as applicable) and if the written request cannot demonstrate that it meets all applicable regulatory and statutory requirements.

OPERATION PERMIT

I. Introduction

Safe Drinking Water Act Operation permits should be issued by DEP subsequent to the approval of corresponding construction permit and within 20 business days of conducting a full pre-operation inspection by DEP staff. An operation permit only authorizes the operation included in the permit. Upon completion of the construction or modification, the permittee should submit to the appropriate regional office a certificate of construction/modification completion (3900-FM-BSDW0062) along with any applicable analytical results. The certificate should be signed by the professional engineer or other person responsible for the work stating that the work was completed in accordance with the approved plans and specifications.

II. Completeness Review (Application Manager)

Upon receipt of the certificate of construction completion, the Application Manager enters in eFACTS the date of receipt of the certificate and begins the completeness review. During the 10 business days following receipt of the certificate, the Application Manager determines if the certificate was properly executed and applicable analytical results were submitted. If yes, the Application Manager schedules an inspection and enters in eFACTS the end date of the completeness review. The end date of the completeness review is the begin date of the technical review. If no, the Application Manager requests the needed information. Upon receipt of the requested information, enters in eFACTS the date of receipt of this information as the completeness review end date and schedules an inspection.

III. Technical Review (Application Manager)

During the technical review, the Application Manager conducts the inspection to confirm and verify that the work was completed in accordance with the approved plans and specifications and permit conditions. The permittee is informed of the inspection results and appropriate follow up actions, if applicable.

- A. If it is determined that the facilities were constructed in accordance with the approved plans and specifications and permit conditions, the Application Manager issues the operation permit and enters appropriate date in eFACTS when requirements under item IV are met.
- B. If it is determined that the construction was not completed in accordance with the approved plans and specifications and permit conditions, the Application Manager will not issue the permit and will enter in eFACTS, the permit denial date or will inform the permittee of minor deficiencies. The Application Manager has the discretion in informing the permittee if the deficiencies are minor in nature and can be corrected within 20 days. In this situation, the Application Manager issues the operation permit once the deficiencies are corrected and requirements under

item IV are met. Also, the Application Manager should enter into eFACTS the permit issuance date.

- C. When an operation permit is requested for a portion of the facilities covered under the construction permit, the Application Manager verifies that those facilities for which the operation permit is requested were constructed in accordance with approved plans and specifications and permit conditions. The Application Manager also verifies that those facilities can be operated independently of the remaining construction. Following the pre-operation inspection, the Application Manager informs the permittee using the process under items A and B above.

IV. Permit Issuance

A new operation permit or an amended operation permit will not be issued by DEP until all of the following conditions (see 109.504) are satisfied:

- Construction of the new or modified facilities has been approved by DEP.
- The water supplier has demonstrated to DEP that adequate operation and maintenance information for the new or modified facilities is available onsite for use by the public water system’s personnel.
- The water supplier has demonstrated to DEP that they are in compliance with 109.704 (operator certification).

Version History

<u>Date</u>	<u>Version</u>	<u>Revision Reason</u>
<u>8/6/13</u>	<u>1.1</u>	<u>Modifications to Operation Permit section to add more detail regarding Completeness and Technical Review portions.</u>
<u>11/13/12</u>	<u>1.0</u>	<u>Original</u>

PWS PERMIT TRANSFERS

I. Completeness Review (Application Manager)

Upon receiving a PWS permit transfer application, DEP administrative staff should log the transfer application into eFACTS. DEP fees are not required for permit transfers. Separate applications are required for each requested permit transfer. Once the transfer application is included in eFACTS, the Application Manager should conduct a completeness review of the transfer application. The following information is necessary for a complete submission:

- DEP's *Instructions and Application for Transfer of a Public Water Supply Permit* (3900-PM-BSDW0040)
- Certification of compliance with the Fictitious Name Act or the Fictitious Corporate Name Act

If required documents and/or any relevant information are missing, the Application Manager should make the permit transfer applicant aware of all missing information by a telephone call. Upon receipt of the missing information, the Application Manager should conduct the completeness review.

II. Completion of Permit Transfer Review (Technical Services Section Chief)

Once the application for permit transfer is considered to be complete, the Technical Services Section Chief should briefly review the application and all completed documents. After completion of this review, the Technical Services Section Chief should submit the signed permit transfer application package to the Regional Program Manager for approval.

III. Final Decision (Program Manager)

Regional Program Managers are responsible for approving or denying the PWS permit transfer application.

For permit transfer application packages that are considered complete and demonstrate that they meet all applicable regulatory and statutory requirements, the Program Manager should sign all necessary forms of approval and submit the permit transfer application package for processing to administrative staff.

IV. Permit Transfer Issuance (Administrative Staff)

A permit should be issued to the permit transfer applicant within 60 business days of receipt of a permit transfer application package that is deemed complete. DEP will publish a notice in the *Pennsylvania Bulletin* which identifies the public water systems affected by the permit transfer and permit number, as well as describes the permitted

activities. Administrative staff should enter in eFACTS the date of the permit transfer issuance.

Permit transfer applications will be denied if they contain missing or deficient information after the deficient information was requested and the application cannot demonstrate that all applicable regulatory and statutory requirements are met.

Version History

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<u>11/13/12</u>	<u>1.0</u>	<u>Original</u>

Appendices

I. Template Letters

- A. Acceptance Letter**
- B. Permit Denial Letter – Administratively Incomplete**
- C. Technical Deficiency Letter**
- D. Permit Denial Letter – Technical Deficiency**
- E. Operation Permit Nonissuance Letter**

II. Table 1 – Major vs. Minor Permit Amendments

TEMPLATE A. ACCEPTANCE LETTER

BUREAU NAME

Date

Applicant Name
c/o (if applicable)
Address
City, PA 00000-0000

Re: Minor Permit Amendment Request
Public Water Supply
Name:
County:

Dear _____:

The Pennsylvania Department of Environmental Protection (“Department”) has received and reviewed the public water supply permit amendment request dated _____, for _____ [Applicant Name]. The Department has conducted a completeness review and has determined that the request contains the necessary documents, is administratively complete, and is accepted for a technical review.

Please note that this permit amendment request is covered by our Permit Decision Guarantee. The Permit Decision Guarantee for the above-referenced permit amendment request is 60 business days from the date your application was determined to be complete, which was [INSERT DATE].

NAME OF REVIEWER will be conducting a technical review of your application. If you have any questions concerning the technical review, you may contact **NAME OF REVIEWER** at 000.000.0000.

Sincerely,

Name
Title

Building or Regional Office | Address | City, PA 00000-0000

000.000.0000 | Fax 000.000.0000

www.depweb.state.pa.us

TEMPLATE B. PERMIT DENIAL LETTER - ADMINISTRATIVELY INCOMPLETE

BUREAU NAME

Date

Applicant Name
c/o (if applicable)
Address
City, PA 00000-0000

Re: Minor Permit Amendment Request
Public Water Supply
Name:
County:

Dear _____:

The Pennsylvania Department of Environmental Protection (“Department”) had reviewed and requested additional information necessary for the completeness review of your public water system minor permit amendment request on **[INSERT THE DATE OF PHONE REQUEST]**. You were requested to submit the required information within 10 business days.

We are hereby denying your permit amendment request since the requested information has not been received within the required timeframe.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board (“Board”), Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717.787.3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800.654.5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717.787.3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Building or Regional Office | Address | City, PA 00000-0000

000.000.0000 | Fax 000.000.0000

www.depweb.state.pa.us

Applicant Name

- 2 -

Date

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE *PRO BONO* REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717.787.3483) FOR MORE INFORMATION.

If you have any questions concerning this action, please call **[NAME OF REVIEWER]** at 000.000.0000.

Sincerely,

Name

Title

TEMPLATE C. TECHNICAL DEFICIENCY LETTER

BUREAU NAME

Date

Applicant Name
c/o (if applicable)
Address
City, PA 00000-0000

Re: Minor Permit Amendment Request
Public Water Supply
Name:
County:

Dear _____:

The Pennsylvania Department of Environmental Protection (“Department”) has completed its technical review of your public water system minor permit amendment request. The following information is needed in order to complete our technical review: **[SPECIFY WHERE THE REQUEST FAILS TO PROVIDE TECHNICAL INFORMATION NECESSARY TO DOCUMENT APPLICABLE REGULATORY AND STATUTORY REQUIREMENTS, INCLUDING APPROPRIATE CITATIONS AND REFERENCES TO REQUIREMENTS IN THE REGULATIONS, DESIGN MANUAL OR INSTRUCTIONS.]**

1. _____
2. _____
3. _____

Due to the above-referenced technical deficiencies, the Permit Decision Guarantee is no longer applicable.

Please submit the above information within 15 business days of the receipt of this letter. Failure to submit the requested information within this timeframe may result in denial of your written request.

Building or Regional Office | Address | City, PA 00000-0000

000.000.0000 | Fax 000.000.0000

www.depweb.state.pa.us

SOP for Public Water Supply
Minor Permit Amendments and Permit Transfers
August 6, 2013

Applicant Name

- 2 -

Date

If you have any questions concerning the technical review, you may contact **[NAME OF REVIEWER]** at 000.000.0000.

Sincerely,

Name

Title

TEMPLATE D. PERMIT DENIAL LETTER - TECHNICAL DEFICIENCY

BUREAU NAME

Date

Applicant Name
c/o (if applicable)
Address
City, PA 00000-0000

Re: Minor Permit Amendment Request
Public Water Supply
Name:
County:

Dear _____:

The Pennsylvania Department of Environmental Protection (“Department”) had reviewed and requested additional information necessary for conducting a technical review of your public water system minor permit amendment request on **[INSERT THE DATE FOR TECHNICAL DEFICIENCY LETTER]**. That letter requested you to submit the required information within 15 business days of the receipt of the letter.

We also had a follow-up meeting or a phone conversation concerning the requested information on **[INSERT DATE]** and you were asked to submit the required information by **[INSERT DATE]**. As of today, we have not received the required information.

We are hereby denying your request for a permit amendment since the requested information has not been received within the required timeframe.

Building or Regional Office | Address | City, PA 00000-0000

000.000.0000 | Fax 000.000.0000

www.depweb.state.pa.us

Applicant Name

- 2 -

Date

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If you have any questions concerning this action, please call **[NAME OF REVIEWER]** at 000.000.0000.

Sincerely,

Name
Title

TEMPLATE E. OPERATION PERMIT NONISSUANCE LETTER

BUREAU NAME

Date

Permittee Name
c/o (if applicable)
Address
City, PA 00000-0000

Re: Operation Permit Certification
Public Water Supply Construction Permit Number:
Name:
County:

Dear _____:

The Pennsylvania Department of Environmental Protection (Department) has reviewed the certification of construction submitted by your public water system in accordance with the provisions of 25 Pa. Code § 109.504. On _____ [date], the Department conducted an inspection of the facility to confirm and verify that the work was completed in accordance with the approved plans and specifications and permit conditions.

For the reason(s) stated below, the Department will not issue an operation permit to your public water system.

[state reason(s)]

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717.787.3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800.654.5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717.787.3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Building or Regional Office | Address | City, PA 00000-0000

000.000.0000 | Fax 000.000.0000

www.depweb.state.pa.us

Permittee Name

- 2 -

Date

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If you have any questions concerning this action, please call [**NAME OF REVIEWER**] at 000.000.0000.

Sincerely,

Name
Title

TABLE 1: EXAMPLES OF MAJOR AND MINOR MODIFICATIONS AND MODIFICATIONS NOT REQUIRING A PERMIT		
<i>MAJOR MODIFICATIONS</i>	<i>MINOR MODIFICATIONS</i>	<i>MODIFICATIONS NOT REQUIRING PERMIT</i>
New Sources	Changes in treatment chemicals, except where otherwise specified	Changes in chemical brand to perform the same function
Addition, deletion or modification of treatment techniques or processes	Replacement of storage tank or reservoir linings or similar materials in contact with the water supply	Replacement of like for like (e.g. replacement of submersible pumps or chemical feed pumps with same capacity)
Pumping Stations	Covering of reservoirs	Waterline extensions
Storage Reservoirs	Construction of prefabricated storage tanks and standpipes to standard specifications	Water main extensions with no potential to adversely affect water quality or quantity
Mixing systems to meet an MCL (e.g. TTHM/HAA5 MCL)	Transmission mains	Modifications to buildings or electrical components, where the modifications do not affect the safety, security, and operations of the public water system
Increases in source or plant capacity	Interconnections	
Conversion to the following disinfection practices: gas, chloramines, ozone and chlorine dioxide	Water main extensions with the potential to adversely affect water quality (e.g. increase DBPs, deplete disinfectant residuals) or quantity (e.g. cause diminution or pressure problems)	
	Mixing systems to minimize deicing	
	Conversion from gas to liquid (disinfection)	
	Bulk water loading stations	
	Changes in legal status, such as transfers of ownership, incorporation or mergers	
	Deletion of sources	
	Installation of contact piping to meet CTs	
	Moving chemical application points	