pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Waterways Engineering and Wetlands

SOP_WET_WOE_01
Standard Operating Procedure (SOP) for Chapter 105 Water Obstruction and Encroachment Program Review of Joint Permit Applications and Environmental Assessments by Department Staff
July 2013

DISCLAIMER: The process and procedures outlined in this Standard Operating Procedure (SOP) are intended to supplement existing requirements. Nothing in the SOP shall affect regulatory requirements.

The process, procedures and interpretations herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in this SOP that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

This SOP describes the procedures and work flows associated with the review of applications for Joint Permit Applications and Environmental Assessments for Water Quality Certification or Waiver of permit requirement (see Table 1) processed by the Department from receipt of the application from the applicant to final Department action. ***This SOP does not apply to General Permit processing (see SOP_WET_WOE_02 and SOP_WET_WOE_04).*** The SOP is organized sequentially by activities that will be completed. The functional roles that are responsible for the activity are identified with the name of the activity. This SOP is intended to comply with the Policy for Implementing the Department of Environmental Protection Permit Review Process and Permit Decision Guarantee (PDG Policy, 021-2100-001).

Table 1 eFACTS Authorizations

Auth Code	Authorization Description	Appl Code	Chapter 105 Permit Type	Days
EAR	Env Assessment for Waived Activities for Water Obstruction & Encroachment	NEW	Environmental Assessment for 105.12 Waived Activities	86
		AMAJ		
WOJP	Water Obstruction & Encroachment Pmt	NEW	Individual Ch. 105 Permit	93
		AMAJ		

The applicable processing business days are the maximum length of time to reach a permit decision. In many cases, reviews will or should be completed in fewer days than the maximum days listed in this SOP. When the engineering and environmental reviews are completed prior to the listed business day timeframe or other time frames as established under this SOP, appropriate permit actions such as making a permit decision and issuance or denial of the application should be taken at that time. There may also be circumstances which void the permit decision guarantee and there is no obligation by the reviewer to reach a permit decision within the established timeframe. In those cases, there is no guarantee to the permit applicant and no penalty to the reviewer if the permit decision is not made within the timeframe. This is not an excuse or a reason to allow applications to pile up; all applications including those that are void of Permit Decision Guarantee must be processed in a timely manner and assigned a priority commensurate with the type of activity being permitted.

Pre-application Process

The PDG Policy encourages applicants to request pre-application meetings with the Department. The following general guidelines should be used by program staff (administrative, engineering, environmental, application manager and Section Chief) when deciding which projects should require a pre-application meeting and which ones may not benefit from such meetings.

- Pre-application meetings are critical and highly recommended when large scale, multi-permitted facilities are involved and when a project meets certain criteria such as spanning multiple counties or regions or if federal permit coordination will be required.

- Pre-application meetings should be held with applicants and/or consultants that are not familiar with the permit requirements and application process.

- Program staff can use discretion with normal routine types of projects (i.e. bridge or culvert replacement, small road crossings, utility line crossings), applicants and/or consultants that are familiar with permit requirements and have a good history of complete applications. These types of projects may not require pre-application meetings unless unusual circumstances are involved such as threatened or endangered (T&E) species, species of special concern, exceptional value resources (i.e. streams or wetlands), etc.

The Department will establish the meeting date, time, and location (i.e. in office or field). The applicant will be informed that they are responsible for coordinating any external agency involvement such as PA FBC, US FWS, ACOE, etc. Program staff should recommend agencies to include based upon the particulars of the project. Pre-application meetings that involve large complex projects that involve multiple DEP programs should be coordinated according to the Permit Coordination Policy (021-2000-301). The applicable Section Chief will discuss project coordination with the Program Manager and Assistant Regional Director when necessary.

Completeness Review (*completed within 10 business days*, includes Steps I., II. and III. below).

I. Preliminary Data Management and Fee Processing (Administrative staff):

When new applications are received administration staff (administrative or clerical) will:

A. In eFACTS, locate or create the client, consultant and site records; and

   Create the authorization record, using the authorization (Auth) types and application (Appl) types listed in Table 1 above that are covered by the PDG Policy (eFACTS Abbreviated User Guides should be used for detailed steps for creating/linking records); and

   Record the amount of the application fee in the Amount Field located on the General Tab of the Authorization Tab of the APS Screen.

B. Assign the permit number according to specific program guidelines for permit number assignment related to the specific authorization type. (**Note:** separate general permit registrations should not be assigned permit numbers or processed separately if the activities are covered under an individual permit application);

C. Enter the proper date for application received in eFACTS (**Note**: date received is used as the begin date for the Completeness Standard Task);

D. Assign the appropriate permitting Section Chief as the initial application manager (aka lead reviewer);

E. Create the primary facility (PF) in accordance with program guidance as necessary;

F. Update the PF Kind as necessary to reflect the program or office the application is being processed in;

G. If a major amendment, ensure the authorization has been linked to the original Master Authorization (**Note**: Do not create a new Master Auth without first searching for an existing one, most historic permits had skeleton Master Auths created);

H. Ensure the Client ID and Other ID (i.e. Permit Number) of the PF is identical to those for the authorization, otherwise update the PF; and

I. Process registration fees, if applicable, according to department wide guidelines and using eFACTS abbreviated user guides; and

   Attach the permit tracking sheet to the file with a copy of the applicant's check for any required permit fees and process the application fees, if applicable, according to program specific (PCM_WET_NCEC_13_003) and department wide internal guidance Deposit of Fees, Fines, Penalties and Other Revenue (OAM-1000-01, Management Directives 305.5. 305.11, and 305.12). **Applications cannot be returned as incomplete for incorrect fees.** (**Note:** PCM_WET_NCEC_13_003 provides clarification on processing permits with incorrect fees.)

J. Submit the application to the applicable permit Section Chief.

II. Coordination, Prioritization and Assignment of Application Manager (applicable permit Section Chief):

Once Step I. is completed, the applicable permit Section Chief will:

A. Assign an application manager (previously known as "lead reviewer" in eFACTS) and technical staff (engineering and environmental) to conduct the Technical Review of the application, if applicable unless previously done under Step I.D.

   - The Section Chief may delegate the assignment of technical staff to the application manager.
   - The application manager may be one of the technical staff or a supervisor.

B. Prioritize the application in accordance with the guidelines provided by the Regional Director for implementing the "Permit Review Hierarchy" contained in DEP's PDG Policy (021-2100-001). Chapter 105 permits may be considered necessary for the protection of public health, safety or the environment from imminent threats, or be considered necessary for economic development projects that create jobs and enhance communities depending upon the individual project circumstances.

C. Determine whether coordination with other applications is required in accordance with Permit Coordination Policy (021-2000-301).

D. Submit the application to the Application Manager.

III. Determination of Completeness (Application Manager, aka Lead Reviewer):

Once Step II. is completed, the application manager will:

A. The application manager will enter the begin date for the **COMP -** Completeness Review subtask under the Completeness Standard Task in eFACTS when the application manager receives the application assignment.

B. The application manager will utilize the corresponding authorization type completeness checklist to ensure all required items have been submitted and utilize any program specific guidelines for evaluating that the items are technically-adequate and are sufficient for conducting a Technical Review. See Appendix A for specific authorization completeness checklists. The application manager should use applicable program guidelines and the requirements of Chapter 105.13 and related Subchapters to evaluate technical adequacy of submissions.

C. If the application is complete, the application manager will draft a Completeness Notification (Completeness) Letter (per standard letter template) for the applicable permit Section Chief's signature to the applicant, then proceed to Step IV., otherwise proceed with Step III.D. below.

- The Completeness Letter should be drafted per the "Ch105_01_Completeness_Notification" standard letter template available on the program's internal website.

- Please draft the letter carefully, looking for places where you need to insert information (example "<<APPLICANT NAME>>"), choose the appropriate provided term (example "[86 (for EA) / 93 (for JPA)]" or choose to include optional language per italicized instructions (example "[*if the application is subject to PDG:…*]").

- Please remove all inappropriate text, instructions and punctuation.

D. If the application is incomplete and the deficiencies are determined to be insignificant (i.e., an item that in the application manager's judgment can be corrected before the 10 business day Completeness Review Task has expired), the application manager will contact the applicant and/or project consultant by phone to explain the deficiency and offer the opportunity to submit the necessary materials informally before the Completeness Review deadline expires to make the application complete. The application manager may or may not (at the application manager's discretion) follow up the phone call with an email to the applicant and/or consultant.

A phone log will be kept detailing the name of the person contacted, the day and time of the conversation, and notes for all communications regarding the Completeness and Technical Reviews. All logs shall be retained with the application file, or otherwise a database or spreadsheet be used and made accessible to allow others to check latest correspondence in case the application manager is out of the office.

In the event the application manager is unable to contact the applicant by phone before the 10 business days Completeness Review Task has expired, the application manager will proceed with Step III.E. below.

After the necessary materials have been received (receipt by email or fax is acceptable except when original signatures, plans or seals are needed), and assuming the application can then be considered complete, the application manager will then proceed to Step IV. If the submission does not correct the original insignificant deficiencies, the application manager will proceed with Step III.E. below.

E. If the applicant originally failed to submit the required application information, or if the submittal contents are not technically-adequate or if the insignificant deficiencies were not addressed within

the 10 business day Completeness Review time frame, the application manager will draft an Incompleteness Review (Incompleteness) Letter (per standard letter template) for the applicable permitting Section Chief's signature to the applicant. See EXCEPTION below.

The Incompleteness Letter must cite the statutory or regulatory obligations for all deficiencies that the application has failed to meet. The Incompleteness Letter will also inform the applicant that the Permit Decision Guarantee is no longer applicable. In accordance with Chapter 105.13a, the applicant shall have 60 calendar days (**not business days**) to complete the application and address any completeness deficiencies.

Also within the 60 calendar days the applicant may request an extension in writing, to respond to the deficiencies beyond the sixty (60) calendar days. Review and consider the request and notify the applicant in writing of the decision either to grant or deny, including a specific due date to respond if the extension is granted. Time extensions shall be in accordance with 25 Pa. Code §105.13a(b). (See III.G.)

- The Incompleteness Letter should be drafted per the "Ch105_02_Incompleteness_Review" standard letter template available on the program's internal website.

- Please draft the letter carefully, looking for places where you need to insert information (example "<<date>>", "<<APPLICANT NAME>>", or "[List of Items…]"), choose the appropriate provided term (example "[application / registration]" or choose to include optional language per italicized instructions (example "[*where appropriate:…*]").

- Please remove all inappropriate text, instructions and punctuation.

➢ These letters should all use "Department" or "DEP" (not "Conservation District"), and "application" (not "registration").

The application manager will then proceed to Step III.G. The application manager will enter and begin date the **SDN** - Send Deficiency Notice/Receive Response subtask under the Completeness Standard Task using the date of the Incompleteness Letter. **Only one Incompleteness Letter will be sent.** In most cases the review will stop here and not proceed to the Technical Review (Step IV.).

EXCEPTION:

In accordance with the Policy for Pennsylvania Natural Diversity Inventory (PNDI) Coordination During Permit Review and Evaluation (021-0200-001) (PNDI Coordination Policy), two options are available to permit applicants for handling PNDI coordination in conjunction with DEP's permit application review, sequential review and concurrent review. (See PNDI Coordination Policy for more details.)

- *Sequential Review* is the traditional and recommended review process for T&E species in which the permit applicant runs the PNDI search and completes all coordination with the appropriate jurisdictional agencies prior to submitting the permit application. The applicant will include with its application, both a PNDI Receipt and a clearance letter from the jurisdictional agency if the PNDI Receipt shows a Potential Impact to a species.

    - If all items are present, and assuming the entire application can then be considered complete, the application manager will then proceed to Technical Review (Step IV.).

- *Concurrent review* is when DEP allows Technical Review of the permit concurrently with the T&E species consultation with the jurisdictional agency. The applicant must still supply a copy of the PNDI Receipt with its permit application. The application should be submitted to DEP along with the PNDI Receipt, a completed PNDI Form and a U.S.G.S. 7.5 minute quadrangle map with the project boundaries delineated on the map. The PNDI Receipt should also be submitted to the appropriate jurisdictional agency according to directions on the PNDI Receipt. While DEP is commencing its Completeness and Technical Review of the application, the permit applicant will engage in any consultation with the jurisdictional agencies as indicated on the Receipt.

  - If all items are present and the PNDI Receipt indicated a Potential Impact, the application will be considered complete and if this is the only deficiency will proceed to Technical Review (Step IV.) where it will be considered technical deficient.

If an application is submitted with the completed Pennsylvania Natural Diversity Inventory (PNDI) Project Planning and Environmental Review Form (8100-FM-FR0161) with the intent that DEP is to complete the run, then there are two (2) processes as well.

1) If there are no Potential Impacts and no other deficiencies, the entire application will be considered complete and proceed to Technical Review (Step IV.).

2) If there is a Potential Impact the person conducting the review must contact the applicant and explain the options:

   - Continue on through the process under the concurrent review and be considered technically deficient, not qualify for PDG and the possibility of return without fees if not addressed in accordance with 105.13a, or

   - DEP can return the application including fees and the applicant can resolve the Potential Impact and resubmit at a later date for a sequential review.

   - ➢ In the event that the applicant cannot be reached within a reasonable time period as expressed in D. above, return the application to the applicant as incomplete because it cannot be determined which type of review the applicant would like. Document and place in the file folder the reason why along with a record of all attempts to contact the applicant.

F. If the applicant submits the requested information within the 60 day deadline and the requested information meets the requirements for a complete application, the application manager shall prepare a Completeness Notification (Completeness) Letter (see Step III.C. for guidelines on completing the letter) explaining the Technical Review process and informing them that the Permit Decision Guarantee is voided due to the submittal of an incomplete application. The application manager will then proceed to Step IV.

G. If the applicant requests in writing to extend the time to respond beyond 60 calendar days, the application manager will consult with the applicable permitting Section Chief to either grant or deny the request. Either action requires the application manager to respond to the applicant's request in writing including a specific due date for the applicant's response and language providing the applicant a notice that failure to address the deficiencies or respond by the due date will result in the application being deemed incomplete and considered withdrawn. The application manager will draft an Extension Letter (per standard letter template) for the applicable permit

Section Chief's signature to the applicant. Time extensions shall be in accordance with 105.13(b) and shall not exceed 60 calendar days.

- The Extension Letter should be drafted per the "Ch105_07_Extension" standard letter template available on the program's internal website.

- Please draft the letter carefully, looking for places where you need to insert information (example "<<date>>" "<<APPLICANT NAME>>" or "[List of Items…]"), choose the appropriate provided term (example "[application / registration]" or choose to include optional language per italicized instructions (example "[*where appropriate:…*]").

- Please remove all inappropriate text, instructions and punctuation (example "**(Choose one of the following 2 paragraphs)"** and the un-chosen paragraph).

➢ These letters should all use "Department" or "DEP" (not "Conservation District"), and "application" (not "registration").

H. If the applicant fails to respond within 60 calendar days, or the established time extension due date or the information submitted is not sufficient to address the deficiencies (application manager must still wait the 60 calendar days or time extension period), the application manager will notify the applicant in writing that the application is incomplete and considered withdrawn in accordance with 105.13a. The application manager will draft a Withdraw of Incomplete Application (Withdrawal) Letter (per standard letter template) for the applicable permit Section Chief's review and Program Manager's signature to the applicant. The application manager will enter the end date for the **COMP** – Completeness Review subtask under Completeness Standard Task, enter the subtask of **DENC** - Application Incomplete – Denied in the Completeness Review Task, with start and end dates corresponding to the date of the Withdrawal Letter and end date the Completeness Task. The application manager will then close the authorization in eFACTS using a disposition of **WITH** - Withdrawn. **The application fee will not be returned.**

- The Withdrawal Letter should be drafted per the "Ch105_03-05_Withdrawal_Of_Incomplete_Application" standard letter template available on the program's internal website and be sent via Certified Mail.

- Please draft the letter carefully, looking for places where you need to insert information (example "<<date>>", "<<APPLICANT NAME>>" or "[List of Items…]"), choose the appropriate provided term (example "[application / registration]" or choose to include optional language per italicized instructions (example "[*if the application/registration has received a time extension:…*]").
  Note: when an extension has been granted, delete "<<date>>" and include the NEW date and ", including any applicable extension(s)"

- Please remove all inappropriate text, instructions and punctuation.

➢ These letters should all use "Department" or "DEP" (not "Conservation District"), and "application" (not "registration"), and "technical" (not "eligible").

➢ *This same letter can be used for the withdrawal of incomplete applications during the Technical Review.*

I. If the applicant chooses to withdraw the application (**fees will not be returned**) and resubmit the package, following program requirements and procedures, the Department will treat the resubmitted package as a new application, including submission of any applicable fees and the application processing would start at Step I.A.

<u>Technical Review</u> (includes Steps IV., V., VI., VII. and VIII. below).

IV. Technical Review (Application Manager and applicable Technical Staff)

Upon completion of Step III. the application manager will:

A. Determine the PA SPGP category and follow the PA SPGP standard operating procedures for coordinating the processing of PA SPGP, ensure copies are forwarded to the ACOE if applicable;

B. Ensure that the corresponding PA SPGP authorization (i.e. Corresponds to the Reporting Category) is created under the same APS record in eFACTS. The end date of the Completeness Review standard task will be used as the application received date for the PA SPGP auth; and

   Verify amount of application fee (including disturbance fee, if applicable).

C. Notify the assigned technical staff that the application is complete and ready for a Technical Review. The assigned technical staff will enter the start date for the **ER -** Engineering Review and **EN -** Environmental Review subtasks, if applicable under the Technical Review standard task in eFACTS when they begin their reviews.

D. Generate a project description according to program guidelines and for publishing in the ***PA Bulletin*** for public comment, provide description to designated staff that coordinates the submittals. Comments are accepted for 30 calendar days (**not business days**);

E. Ensure that a copy of Form 1, Joint Permit Application (WOJP) or Environmental Assessment (EAR) forms are forwarded to the PA FBC per program requirements;

F. The application manager and technical staff will conduct the Technical Review in accordance with program guidelines and regulatory requirements related to the specific authorization type including coordination of the Submerged Lands License Agreement (SLLA) requirements when applicable. The identification of submerged lands should occur as early in the Technical Review as possible to provide the maximum amount of time for processing of the SLLA. The standard operating procedures for SLLA processing (**SOP_WET_WOE_005**) will be followed when applicable. If the application is technically adequate, proceed with Step V. If the submission is technically inadequate, continue to Step IV.G. below.

G. If the application is technically inadequate, the application manager will if necessary, transmit a Technical Deficiency (TD) Letter:

   1. In the event, upon a detailed Technical Review of the application, the application manager determines that information beyond the scope of the Completeness Review is not available or otherwise there are technical deficiencies within the application or proposals therein, the application manager in consultation with the applicable permitting Section Chief and at the Section Chief's discretion the Program Manager, will make a determination on whether the deficiency is significant or non-significant. In general, non-significant deficiencies are those that can be corrected quickly by the applicant (e.g., by the end of the next business day) so that there is only a minimal processing delay.

   2. If the deficiencies are determined to be insignificant, the application manager will contact the applicant and/or the project consultant <u>by phone</u> and request a response by the close of the next business day. A phone log will be maintained by the application manager and other staff and placed within the file to record the results of all such conversations. A follow-up email may be transmitted at the application manager's discretion.

3. If a) the insignificant deficiencies are not corrected by the timeline requested, b) four phone calls to the applicant and consultant fail to establish communication, or c) the application manager determines that the deficiencies are significant, the application manager will prepare a Technical Deficiency (TD) Letter (per standard letter template) for review and approval by the Section Chief and Program Manager.

   - The TD Letter should be drafted per the "Ch105_04_Technical-Eligibility_Deficiency" standard letter template available on the program's internal website.

   - Please draft the letter carefully, looking for places where you need to insert information (example "<<date>>" "<<APPLICANT NAME>>" or "[List Deficiencies…]"), choose the appropriate provided term (example "[application / registration]" or choose to include optional language per italicized instructions (example "[*where appropriate:…*]").

   - Please remove all inappropriate text, instructions and punctuation.

   ➢ These letters should all use "Department" or "DEP" (not "Conservation District"), "application" (not "registration"), and "technical" (not "eligible").

   Upon approval by the Program Manager the Section Chief will sign the TD Letter. Only one signature on the TD Letter is required. **Only one TD Letter will be sent, unless the project is determined to be a complex project.** The TD Letter must cite the statutory or regulatory obligations for all deficiencies that the application has failed to meet and request a response within 60 calendar days (**not business days**) in accordance with Chapter 105.13a. The TD Letter will inform the applicant that the Permit Decision Guarantee is no longer applicable (if not already done under the Completeness Review process in Step III. E. above) and at the discretion of the application manager, offer an opportunity to the applicant to meet and discuss the deficiencies. The application manager will enter a subtask of **SDN -** Send Deficiency Notice/Receive Response into eFACTS with a start date corresponding to the date of the TD Letter.

4. If the applicant responds to the TD Letter within 60 calendar days the application manager will enter an end date for the **SDN** subtask in eFACTS corresponding to the date the submission was received, review the submission and, assuming it addresses the concerns raised in the TD Letter, proceed with Step V. If the submission does not address the concerns in the TD Letter, continue to Step IV.G.5 below.

5. If the applicant requests in writing to extend the time to respond beyond 60 calendar days, the response must be received prior to the 60 calendar day deadline. The application manager will consult with the applicable permitting Section Chief to either grant or deny the request in writing. Either action requires the application manager to respond to the applicant's request in writing including a specific due date for the applicant's response and language providing the applicant a notice that failure to address the deficiencies or respond by the due date will result in the application being deemed incomplete and considered withdrawn. The elevated review process is intended to be a case by case review and decision to determine the proper action to take regarding the permit application.

6. If the applicant fails to respond to the TD Letter within 60 calendar days, or if the response fails to address the issues raised in the TD Letter, the application manager will enter a subtask of "**ELEV**" (Elevated Review Process), brief the applicable permitting Section Chief on the circumstances, and draft an Withdraw of Incomplete Application (Withdrawal) Letter (see Step III.H. for guidelines on completing the letter) for the applicable permitting Section Chief's review and Program Manager's signature to the applicant; and follow the Elevated Review Process below (based on the PDG Policy), Section III.B.7., Page 12).

Elevated Review Process

a) When an applicant makes a request for an elevated review, or for applications that continue to be technically deficient, and for which the technical deficiencies have not been resolved satisfactorily within the established response timeframe, including any approved extension, will be subject to the elevated review process.

b) The Department application manager will notify the program manager at the regional office. 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. In addition, complex projects involving multiple permit applications with multiple deficiencies may require a face-to-face meeting of all staff involved, including the application manager.

c) Staff will agree on a direction for final review of the permit application(s), which may include making a permit decision; having a face-to-face meeting with the applicant and the consultant(s); or having a telephone call with the applicant and the consultant(s) to discuss the remaining technical deficiencies. Department staff will prepare a written summary of the meeting or phone call documenting decisions agreed to at the meeting or during the phone call.

d) If the meeting results in an agreement to resolve the outstanding issues, the regional office will inform the applicant that all remaining technical deficiencies must be corrected and revised plans submitted within 10 business days of the date of the meeting. 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 will provide direction on the permit decision which may be advancing with denial of the permit application.

e) The Department application manager, in coordination with any additional staff, will conduct the necessary technical review of the resubmitted plans. The review will be completed within 5 business days of the date the revised plans were resubmitted. At the conclusion of this review, the permit decision will be made by the Department.

f) If the applicant does not submit revised plans during the elevated review process, the Department will make a permit decision based upon the permit application information available.

g) *If the decision is made to approve the permit,* go to Step V.

h) *If the decision is to deny the application,* the application manager will enter end date for the **ELEV** subtask, create the **DENT -** App Technically Deficient – Denied subtask into eFACTS, enter start and end dates for the **DENT** subtask corresponding to the date of the decision, prepare a Denial of Application (Denial) Letter (per standard letter template) for the Program Manager's signature to the applicant that denies the application and close the authorization in eFACTS using the disposition code **DENI** - Denied.

- The Denial Letter should be drafted per the "Ch105_06_Denial_Of_Application" standard letter template available on the program's internal website and be sent via Certified Mail.

- Please draft the letter carefully, looking for places where you need to insert information (example "<<date>>" or "[List Deficiencies…]".

- Please remove all inappropriate text, instructions and punctuation (example "*[confer with the Office of Chief Counsel…]"*.

➢ These letters should all use "Department" or "DEP" (not "Conservation District"), and "application" (not "registration"), and "technical" (not "eligible").

V. Data Management and Final Technical Review Processing (Application Manager)

Upon completion of Step IV., the application manager will, within the specified authorization's processing days:

A. Ensure that the following data management tasks in eFACTS are completed:

1. Create, or otherwise review and edit, a subfacility (SF) for each proposed structure or activity according to program guidelines, run the NHD Locator Tool for each subfacility;

2. Enter, or otherwise review and edit, the inventory details for each subfacility record;

3. Create any SF to SF relationships according to program guidelines (e.g. WTIM related to WTRE or DOCK related to SLLA); link the applicable SFs to the authorization record; and

4. Create any monitoring records in eFACTS according to program guidelines.

B. Ensure the following tasks are completed:

1. The assigned technical staff shall complete their Record of Decisions;

2. The application manager will ensure that either a draft permit and Water Obstruction and Encroachment Permit (WOEP) Issuance Letter or a Denial Letter (see Step IV.G.6.(h). for guidelines on completing the letter), when applicable is generated for the Program Manager's signature to the applicant;

   - The WOEP Issuance Letter should be drafted per the "Ch105_09_WOEP_Issuance" standard letter template available on the program's internal website and be sent via Certified Mail.

   - Please draft the letter carefully, looking for places where you need to insert information (example "<<APPLICANT NAME>>"), or choose to include optional language per italicized instructions (example "[*for SPGP – use next paragraph*]").

   - Please remove all inappropriate text, instructions and punctuation.

   ➢ These letters should all only use the first paragraph (SPGP) or 2nd and 3rd paragraphs (NO SPGP), the 1st three (3) paragraphs should not be in the same letter.

3. The application manager will check to see if there is any permit coordination required and follow up, as necessary, to inform other programs requiring permits of their anticipated permit action.

C. Ensure administrative staff receive the draft documents and prepare final versions conforming to Commonwealth standards and that the documents are printed and the package assembled.

E. The assigned environmental review staff will present their Record of Decision (ROD) to the environmental supervisor for review and sign off or override recommendation of environmental staff with explanatory comments;

F. The assigned technical staff will enter an end date for the ER and EN subtasks in eFACTS to close out the Technical Review standard task.

G. Provide the package with the application to the applicable permitting Section Chief. The package will include a sign-off from the application manager on the permit tracking sheet.

VI. Completion of Technical Review (applicable permitting Section Chief)

Once Step V. is completed by the application manager, the applicable permitting Section Chief will:

A. Review the application and completed permit documents or Denial Letter to the depth necessary for QA/QC related to the particular project;

B. Ensure that effective and expiration dates are on the permit document, if applicable;

C. Review the ROD(s) and sign off on or override recommendation of technical staff with explanatory comments;

D. Ensure the correct subfacility types and inventory details have been entered;

E. Enter the begin an end dates of the **DR** – Decision Review subtask; and

F. Sign the permit tracking sheet and submit the final permit package to the Program Manager and proceed to Step VII.

VII. Final Decision (Program Manager)

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

A. Review the Record of Decision(s) and completed permit documents, WOEP Issuance Letter or Denial Letter;

B. Sign the permit WOEP Issuance Letter and the permit documents or Denial Letter; and

- The Program Manager may delegate signing authority to the Section Chief; this delegation may be used for Withdrawal Letters too.

C. Sign the permit tracking sheet and return the final signed documents to administrative staff.

VIII. Final Permit Processing (Administrative Staff)

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

A. Enter the disposition status and date for the authorization and corresponding SPGP authorization in eFACTS;

B. Submit notice to publish the final action to ***PA Bulletin*** according to Department guidelines;

C. Make copies, assemble applicable attachments (e.g. SPGP, appraisal of permit conditions, etc.) and mail the copies to the recipients with a copy to ACOE, PFBC, and other appropriate staff or agencies. The attachments don't need to be mailed to the ACOE or PFBC. The WOEP Issuance Letter will not be sent via Certified Mail; and

D. Transmit the permit application/permit files to the regional file system.

E. Receive the acknowledgement of appraisal of special conditions form and file in the permit application file.

Appendix A

Individual Permit Completeness Checklist

and

Environmental Assessment Completeness Checklist

Chapter 105 Individual Permit and Environmental Assessment Completeness Checklist

10/16/2012

Provided (Y, N, N/A)	Tech Adequate (Y, N, N/A)	Item Description (See Section 105.13 for additional details. If application under the Small Projects Application format, an entry in only those items prefixed by an asterisk (*) is reveiwed.
		a.* GIF and permit application properly signed, sealed and witnessed
		b. * Application Fee enclosed (see Section G.)
		c. * Copies and proof of receipt - Act 14 notification - Acts 67/68/127
		d. * Cultural Resource Notice (Notice, return receipt and PHMC review letter, as appropriate)
		e. PASPGP-4 Cumulative Impact Project Screening Form
		f. * Bog Turtle Habitat Screening: copy of "No Effect" determination from the Army Corps of Engineers **OR** copy of documented clearance from the US Fish and Wildlife Service
		g. * Pennsylvania Natural Diversity Inventory (PNDI Project Environmental Review Search Receipt including Avoidance Measures and documentation of agency coordination, as appropriate)
		h. * Plans (site plan including cross sections and profiles for Subsections 151, 191, 231, 261)
		i. * Location map
		j. * Project description narrative
		k. * Color photographs with map showing location taken
		l. * Environmental Assessment form (Use N/A if does not apply.):
		Part 1
		*Enclosure A
		*Enclosure B
		Enclosure C
		Part 2
		Enclosure D
		*Part 3
		m. Erosion and Sediment Control Plan and approval letter or proof of application
		n. Hydrologic and hydraulic analysis
		o. Stormwater Management Analysis with consistency letter
		p. Floodplain Management Analysis with consistency letter
		q. Risk Assessment
		r. Professional engineer's seal and certification
		s. Alternative analysis
		t. Mitigation plan