

# **Standard Operating Procedures for Processing Municipal and Residual Waste Form U Applications**

**Bureau of Waste Management**



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## Standard Operating Procedures (SOPs)<sup>1</sup> for Processing Permit Applications

### Municipal and Residual Waste – Form U

This SOP describes the procedures by which staff in the Waste Management Program will process Form U application materials for Form U applications with and without RAD material, or technologically-enhanced naturally occurring radioactive material (TENORM). The procedures herein describe the Bureau’s process for management of Form U applications in accordance with the Policy for Implementing the Department of Environmental Protection’s (Department) Permit Review Process and Permit Decision Guarantee, 021-2100-001, and Policy for Permit Coordination, 021-2000-301.

All Form U Application materials with an approved Waste Acceptance Plan (WAP) are included in the Permit Decision Guarantee (PDG), with a guaranteed permit decision within the timeframes specified in the following table:

Table 1

Application Type	Total Processing Time (in business days)
Form U without RAD Material (TENORM)	11
Form U with RAD Material (TENORM)	33

Please note that the Processing Time for a Form U application begins on the date that the automatically generated notification for receipt of the application is sent to the Applicant.

**I. Form U without TENORM:** See Figure 1, attached.

**A. Receipt of Application (Regional Chemist):** When applications are received electronically through the Department’s GreenPort System by the Regional Chemist, an automatic message will be generated notifying the Applicant of the following:

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<sup>1</sup> 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.

1. The Form U application and corresponding attachments have been received.
2. The EC tracking number for the application.
3. The Regional Chemist will be conducting an administrative completeness and technical review of the submitted application.
4. The date that the processing time for the application will begin.
5. If the Regional Chemist does not approve or deny the application during the processing time identified in Table 1 of this SOP, the Applicant may accept the requested waste stream in accordance with the Applicant's permit conditions.

**B. Application Review**

1. All Form U applications received through GreenPort by the Regional Chemist are prioritized by the date the application is received. The Regional Chemist will:
  - a. Review the application for administrative completeness. An administratively complete application contains the following:
    - i. All applicable sections of the Form U must be completed. If a section is not filled in and the Regional Chemist believes it is not applicable to the facility, the application may be considered acceptable.
    - ii. All necessary attachments to the Form U.
  - b. Review the application for technical completeness to ensure the application contains all necessary scientific and engineering information, as well as project design, to address specific regulatory requirements. A technical completeness review may include the following:
    - i. Determination of whether the requested waste can meet the chemical concentration or physical standard acceptance criteria of the Applicant's approved Form R.
    - ii. Determination of whether the requested waste is hazardous waste, as defined in Part 261.2 of Title 40 of the Code of Federal Regulations (CFR), 40 CFR §261.2.
2. Complete Applications: If the application is determined to be administratively and technically complete, the Regional Chemist will proceed to Section C (Permit Decision).

3. Deficient Applications:

- a. If the Application is determined to be administratively or technically deficient, the Regional Chemist will select a disposition of “Deficient” for the application and a message will be generated that notifies the Applicant of the following:
  - i. Where the application is deficient, including citations of the specific statute(s) and/or regulation(s) that the application failed to meet, or what required information was omitted.
  - ii. The processing time for the application is suspended in GreenPort until the application is resubmitted with the necessary changes or additional information required to correct the deficiencies.
  - iii. That PDG is voided.
- b. Upon receipt of additional information from the Applicant, an automatically generated message notifies the Regional Chemist that the application has been resubmitted by the Applicant and the processing time has been reactivated. If, based upon the resubmitted information the application can be considered complete, the Regional Chemist will proceed to Section C (Permit Decision).
- c. If the submittal of additional information fails to make the application complete, the Regional Chemist will deny the application in accordance with Section I.C.1.b (Denial of Application).

C. **Permit Decision:** A review of the application must be completed and a permit decision must be made within 11 business days of the date the Applicant is notified that the Form U application processing time begins.

1. If the Department has not surpassed the PDG processing time of 11 business days, or the PDG is void, the application will be approved or denied as follows:

- a. Approval of Application

If the application is determined to be complete and meets all applicable regulatory and statutory requirements with no deficiencies, the Regional Chemist will select a disposition of “Issued” for the application and a message will be automatically

generated that notifies the Applicant that the requested waste stream may be accepted in accordance with the Applicant's permit conditions.

b. Denial of Application

If the requested waste stream cannot meet the acceptance criteria of the Applicant's approved Form R, the waste is a hazardous waste, or the Applicant fails to address all deficiencies or regulatory and statutory requirements, the Regional Chemist will select a disposition of "Denied" for the application and a message will be generated that notifies the Applicant of the following:

- i. The application is denied.
  - ii. Where the application is deficient, including citations of the specific statute(s) and/or regulation(s) that the application failed to meet, or what required information was omitted.
  - iii. If the Applicant would like to correct the deficiencies, the Applicant should make the necessary changes and create a new application under a new EC tracking number.
2. If the Department fails to make a permit decision within the processing time identified in Table 1 of this SOP, a message is automatically generated, notifying the Applicant that the requested waste stream may be accepted in accordance with the Applicant's permit conditions.

**II. Form U with RAD Material (TENORM):** See Figure 1, attached. The Department considers a waste stream to contain RAD Material (TENORM) if it has a radiation level of 10 micro-Roentgens per hour ( $\mu\text{R/hr}$ ) above background.

**A. Receipt of Application (Regional Chemist):** When applications are received electronically through the Department's GreenPort System by the Regional Chemist, an automatic message will be generated notifying the Applicant of the following:

1. The Form U application and corresponding attachments have been received.
2. The EC tracking number for the application.
3. The Regional Chemist will be conducting an administrative completeness and technical review of the submitted application.

4. The date that the processing time for the application will begin.

**B. Application Review**

1. All Form U applications received through GreenPort by the Regional Chemist are prioritized by the date the application is received. The Regional Chemist will:
  - a. Review the application for administrative completeness. An administratively complete application contains the following:
    - i. All applicable sections of the Form U must be completed. If a section is not filled in and the Regional Chemist believes it is not applicable to the facility, the application may be considered acceptable.
    - ii. All necessary attachments to the Form U.
    - iii. If the requested waste is known or suspected to contain radioactivity of 10  $\mu$ R/hr above background levels, analytical results of EPA Method 901.1 (EPA Gamma Specific Analysis for TENORM Isotopic), including but not limited to U-238, Ra-226, Ra-228, and/or Th-232, or an appropriate gamma spectroscopy or other method that provides NIST traceable dry weight radioactivity concentration, expressed in picocuries per gram (pCi/g), performed by a laboratory accredited in accordance with the Pennsylvania Laboratory Accreditation Regulations, 25 Pa Code §252.
  - b. Review the application for technical completeness to ensure the application contains all necessary scientific and engineering information as well as project design to address specific regulatory requirements. A technical completeness review may include the following:
    - i. Determination of whether the requested waste can meet the chemical concentration or physical standard acceptance criteria of the Applicant's approved Form R.
    - ii. Determination of whether the requested waste is hazardous waste, as defined in Part 261.2 of Title 40 of the Code of Federal Regulations (CFR), 40 CFR §261.2.
2. Complete Applications: If the application is administratively and technically complete and includes the necessary radiological data, the Regional Chemist will:

- a. Forward the results to the appropriate personnel in the Department's Bureau of Radiation Protection (BRP) for review.
  - i. BRP will make every attempt to review and provide guidance to the Regional Chemist within 21 business days.
  - ii. BRP will notify the Regional Chemist via email if additional information is required.
  - iii. BRP will email the Regional Chemist with its recommended permit decision for the application.
- b. Select a disposition of "Deficient" for the application which will generate a notification through GreenPort, in which the Regional Chemist will indicate that the review of the Form U application processing time has been suspended until review by the BRP is complete.

### 3. Deficient Applications

If the application is not administratively or technically complete, or if the radiological data is not included with the application, the Regional Chemist will deny the application in accordance with Section II.C.1.b (Denial of Application).

### C. **Permit Decision**

A permit decision must be made within 33 business days of the date the Applicant is notified that the Form U application processing time begins.

1. If the Department has not surpassed the PDG processing time of 33 business days, or the PDG is void, the application will be approved or denied as follows:

- a. Approval of Application

If the application is recommended for approval by the BRP, and is determined to be complete and meets all applicable regulatory and statutory requirements with no deficiencies, the Regional Chemist will select a disposition of "Issued" for the application and a message will be automatically generated that notifies the Applicant that the requested waste stream may be accepted in accordance with the Applicant's permit conditions.

b. Denial of Application

The Regional Chemist will select a disposition of “Denied” for the application and a message will be generated as described in Section I.C.1.b.i-iii, if any of the following conditions apply:

- i. The Applicant is not able to address all deficiencies or regulatory and statutory requirements.
  - ii. BRP recommends that the Form U application be denied.
  - iii. The application is not administratively complete.
  - iv. The application lacks radiological data.
  - v. The requested waste stream does not meet the acceptance criteria specified in the Applicant’s approved Form R.
  - vi. The requested waste stream is hazardous waste.
2. If the Department fails to meet the PDG processing time of 33 business days and the PDG is still valid:
- a. A decision on the application is prioritized as the next actionable application within BRP.
  - b. The Director or BRP will have five (5) business days to make a permit decision.  
If the 5 business day timeframe is not met, a meeting with the Secretary of the Department is scheduled to determine why the deadline was missed.
    - i. If the application is determined to be complete and meets all applicable regulatory and statutory requirements with no remaining deficiencies, the Form U application is approved following Section II.C.1.a, above.
    - ii. If it is determined that the application does not meet all applicable regulatory and statutory requirements or has remaining deficiencies, the Form U application is denied following Section II.C.1.b, above.

### Form U Application Review Procedure

