



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Waste Management

# Permit Review Process & Permit Decision Guarantee

Department of Environmental Protection  
Nov. 20, 2012

Dial-in number for audio is: 1-877-668-4493

Access code: 645 609 642

# Today's Speakers

## **Hayley Book**

Director, Office of Program Integration

## **Ali Tarquino-Morris**

Chief, Program Development and Support

## **Laura Henry**

Solid Waste Program Specialist, Program  
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# Agenda

- 1. Review of how PRP/PDG applies to waste permitting; checklists and SOPs; next steps**
- 2. Questions & Comments**

**Note:** WebEx Technical Support is available at  
866-229-3239

# Executive Order 2012-11



## Directed DEP to Standardize:

- Permit review process
- Processing times for certain permits

# Permit Decision Guarantee

## How does this change affect applicants?

- Demands higher quality, technically adequate applications.
- Eliminates permit review “back-and-forth.”
- Improves clarity and consistency across regions and programs.
- Articulates clear expectations.

# Waste Permits Included in PDG

## **Municipal and Residual waste permits including:**

- General Permits
- Minor modifications to individual permits
- Major modifications to individual permits
- Waste stream processing/disposal approvals

\*for a detailed list please see Appendix A of the Policy

# ▶ Waste Permits Not Currently in PDG

- Individual permits for new municipal or residual waste facilities
- Major modifications to municipal or residual waste individual permits that include a capacity or footprint change
- Hazardous waste permits and authorizations
- Waste hauler authorizations

# PDG Processing Times

- General Permits:
  - New or Renewal: 143 days
  - Registration or Modification to: 43 days
  - DOA or Modification to: 86 days
  - Modification to original: 100 days
- Major modifications: 186 days

\*NOTE: all processing times are expressed in business days

# PDG Processing Times

- Minor Modifications

Landfill: 143 days

Resource Recovery, Transfer, Processing or  
Composting Facility: 100 days

- Processing/Disposal Approvals

Without RAD material: 11 days

With RAD material: 33 days

# Pre-Application Meetings

**Applicants are strongly encouraged to schedule meetings to:**

- Ensure communication between applicant and DEP.
- Promote and improve the applicant's awareness of permitting procedures.
- Allows DEP, the applicant and consultants to discuss project details/clarify requirements.

# Permit Checklists

- Used as a tool during pre-application meetings.
- Attached to existing permitting forms where possible
- Accessible on eLibrary and the DEP website
- Should be signed and submitted with the permit application or the application may be considered incomplete and ineligible for PDG.

# Permit Checklists

## Standard Permit Forms

Req.	N/A	√	Name	Form No. (Municipal)	Form No. (Residual)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	GIF - General Information Form	8000-PM-IT0001	8000-PM-IT0001
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Form A - Application	2540-PM-BWM0357	2540-PM-BWM0357
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Form B - Professional Certification	2540-PM-BWM0358	2540-PM-BWM0358
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Form B1 - Application for Certification	2540-PM-BWM0359	2540-PM-BWM0359
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Form C1 - Compliance History Certification <sup>2</sup>	2540-PM-BWM0351	2540-PM-BWM0351
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Form HW-C - Compliance History <sup>2</sup>	2540-FM-BWM0058	2540-FM-BWM0058

# SOPs

- For all permits currently included in PDG
- Contain procedures for staff to follow during PRP.
- Intended to create consistency in the review process across Regions.
- Include provisions of PDG, but overall process to be followed for all permit reviews regardless of inclusion in PDG.
- Posted on the DEP website

# SOPs

- Receipt of Application
- Correspondence with the Applicant
- Coordination and Prioritization
- Completeness Review
- Technical Review
- Possible Elevated Review
- Permit Decision
- Post Decision

# Permit Prioritization

**Permits no longer reviewed on a “first-in-first-out basis.” Priority given to:**

- Protection of public health, safety or environment from imminent threats.
- Economic development projects that create and/or retain jobs, leverage private investment and/or provide significant economic benefit.

# Completeness Review

- Applications do not qualify for PDG until they are considered complete and accepted.
- Completeness review timeframes vary due to regulatory requirements.
- PDG timeframe begins after Completeness Review is finished and application is complete.
- Incomplete applications are denied and Applicant will be required to resubmit.

# Completeness Review

- Incomplete applications
- Deficiency letter sent to Applicant.
- Applicant has 90 **calendar** days from the date of the deficiency letter to respond.
- DEP will review additional information and accept or deny the permit as appropriate.

# Technical Review

- Requires a complete application that is “accepted by DEP”.
- One deficiency (strike) removes the application from the guarantee.
- Technical deficiency letter sent to Applicant.

# Technical Review

**Applicant must respond to the technical deficiency letter within specified timeframes (expressed in calendar days):**

- GPs - 15 days (Registrations, DOAs and modifications to each) OR 60 days (New, Renewals, modifications to)
- Processing/disposal approval – 5 days
- Minor modifications – indicated in deficiency letter
- Major modifications – 60 days

# “Two Strikes” Policy

- Triggered after a response to a Technical Deficiency Letter still fails to meet the applicable requirements.
- Once triggered, requires consultation between DEP Program Manager/Regional Director to determine appropriate action.



# Elevated Review

- May involve Regional Director.
- Must be completed in 15 business days of initiation of the process.
- May require meeting with the Applicant.
- Course of action for permit decision is determined during process.
- If no resolution, may be elevated to Bureau Director.

# Permit Decision

- If included in PDG, should be made within timeframes outlined in Appendix A.
- SOPs outline actions for all permit reviews regardless of inclusion in PDG.
- If denied, application is returned; application fee non-refundable.
- Applicant may re-apply, but application will be treated as new.

# Permit Decision

- If DEP surpasses PDG timeframe, application is prioritized as next actionable item.
- Program Manager and Regional Director will review.
- Decision must be made within 5 business days.
- If no decision in 5 business days, meet with Secretary.

# Post Decision

- eFACTS entry
- Publish notice of action in Pa Bulletin, if necessary.
- Post permit to DEP website, if necessary.
- Distribute comment-response document, if necessary.
- File

# Possible Processing Delays

- Resolution of outstanding violations or compliance actions.
- Required approvals/coordination with other state, federal or municipal agencies.
- Complex modeling, risk assessments or harms-benefits analysis.
- Need for additional public input/comment.
- Applications affected by a judicial action.

# Next Steps

- “Went live” Wednesday, November 14th
- Reviewing permits under new policy
- Evaluate effectiveness of Checklists and SOPs
- Begin drafting checklists and SOPs for permits not currently included in PDG
- Eliminate the Queue

# Eliminating the Queue

- “The Queue” contains pending permit applications received before July 24<sup>th</sup>.
- “On the clock” under MBG
- “Off the clock” under MBG
- No more than 2 deficiency letters will be sent.
- Central Office is tracking progress
- Goal to “eliminate the queue” by July 31, 2013

# Website Information



For more information, visit  
[www.dep.state.pa.us](http://www.dep.state.pa.us)

Click on the Permit Decision Guarantee button.



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# Questions?



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