

**Standard Operating Procedure (SOP)¹ for Clean Water Program
New and Reissuance PAG-07 NOIs
(Beneficial Use of Exceptional Quality Biosolids by Land Application)
SOP No. BPNPSM-PMT-013
Final, February 14, 2013
Revised, July 16, 2013
Version 1.1**

This SOP describes the procedures used by the Department of Environmental Protection (DEP) Clean Water Program to process Notices of Intent (NOIs) for new and reissuance (renewal) Beneficial Use of Exceptional Quality Biosolids General PAG-07 permits. The authorization types covered by this SOP are “BUS7” (PAG-07 Beneficial Use of Exceptional Quality Sewage Sludge by Land Application, In PA) and “BUS7O” (PAG-07 Beneficial Use of Exceptional Quality Sewage Sludge by Land Application, Out of State). Regional offices review “BUS7” NOIs while DEP’s Bureau of Point and Non-Point Source Management (BPNPSM) reviews “BUS7O” NOIs.

This SOP is intended to comply with DEP’s Policy for Implementing the Department of Environmental Protection (Department) Permit Review Process and Permit Decision Guarantee (021-2100-001) (“PDG Policy”). Only certain types of applications are subject to the Permit Decision Guarantee (PDG) described in the PDG Policy. New and renewal PAG-07 NOIs **ARE NOT** part of the Permit Decision Guarantee.

I. Preliminary Data Management and Fee Processing (Administrative Staff)

When PAG-07 NOIs are received, administrative staff will promptly:

A. Create the authorization (Auth) record in eFACTS.

1. Select the proper Auth type code (“BUS7” or “BUS7O”) and verify that the correct fee was submitted (\$500).
2. Prepare the physical check payment for transmission to the regional business office following Management Directive OAM-1000-01, and enter the fee payment against the authorization in eFACTS, unless the client is fee exempt. A copy of the check will be made and placed in the NOI file. If no check was included with the application or a check for less than the full fee is included, the application will be considered an underpayment in accordance with the fee management directive. Until a check for the full amount of the fee has been received, the application will not be processed.
3. Select the proper application type using the appropriate regional organization code.
4. Enter a 9-digit program-specific ID for the NOI as follows:

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 an adjudication or a regulation. DEP does not intend to give 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.

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- The first five digits will be “PAG07.”
 - The sixth through ninth digits will be a regional designator, as follows: SERO – 0001-2199, NERO – 2201-3499, SCRO – 3501-4799, NCRO – 4801-6099, SWRO – 6101-8299, and NWRO – 8301-9899. Numbers will be selected sequentially by order of authorization. Permit coverage granted for out of state generators will be issued by the sequential numbers 9901-9999.
5. Associate the proper client and site to the project/authorization. If necessary, create the client, site, client/site relationship, at least one subfacility (SF) and the primary facility (PF).
- a. For biosolids processing conducted at a municipal sewage treatment facility, use the existing “SP” (Sewage Publicly Owned (Muni)) PF created for the NPDES program.
 - b. For biosolids processing conducted by a municipality in which the processing is done separately from a sewage treatment facility, create a new “SP” PF (or use the previously created PF for renewals).
 - c. For biosolids processing conducted by a non-municipal entity in which the processing is done separately from a sewage treatment facility, create a “SN” (Sewage Non-Publicly Owned (Non-Muni)) PF for non-composting treatment methods or a “PC” (Private Composter) PF for composting treatment (or use the previously created PF for renewals).
 - d. For biosolids processing at out of state facilities, create an “OSBP” (Out-of-State Biosolids Processing) PF.
 - e. For SFs, use an SF type of “Biosolids Treatment” if non-composting treatment methods will be used or “Compost/Processing” if composting will be done.

NOTE – The PF Other ID must match the program-specific ID on the application screen, unless the PF is associated with an NPDES discharge permit. Change the PF Other ID as necessary when permits are renewed.

6. Enter the date the NOI was received (“Recvd”) and the date administrative staff creates the authorization (“Admin”) into eFACTS’ Application Screen.
7. If required by eFACTS to create the authorization, select the lead reviewer.
8. Select the Master Auth or set the current authorization to be the Master Auth, as appropriate.
9. Create a subtask of “COMPL” (B/E Completeness Review) under the Completeness Review task in eFACTS, and enter a start date that corresponds to the date the NOI was received.
- B. Enter consultant information.

If a consultant is identified on the NOI, select the appropriate client or otherwise create the consultant as a client on the Application Screen.

- C. Enter or otherwise review and update PF Details.

1. Update PF Mailing Address (client address) and Location Address (site address) in accordance with the NOI, as necessary.

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2. Ensure the Client ID and Other ID of the PF are identical to those for the authorization, except for PFs associated with NPDES discharge permits which may have a different Other ID, otherwise update the PF.

II. Completeness Review (Application Manager)

Completeness reviews of PAG-07 NOIs will be completed by the application manager in the regional office that covers the county in which the applicant is located.

Application managers should finish the Completeness Review within 10 business days of DEP's receipt of an NOI.

When the application manager receives the NOI from administrative staff, the application manager will:

- A. Review the NOI for completeness and overall technical adequacy. A complete and technically adequate NOI includes the following, not including the fee that is addressed in Step I:
 1. Original NOI (signed and notarized) with 2 copies for in-state and 3 copies for out-of-state generators.
 2. Laboratory analytical results for pollutants, pathogens and vector attraction reduction, as specified in DEP's most current Biosolids Sampling Manual.

For new NOIs, data for at least two sampling events should be submitted that cover 60 days of biosolids generation. For renewal NOIs, the applicant should submit all data that has been collected but not submitted since the most recent Annual Report. The number of samples collected must be in accordance with the current edition of the Biosolids Sampling Manual.

3. A detailed sampling plan as described in DEP's most current Biosolids Sampling Manual.
4. Evidence of "Hazardous Waste Determination" conducted in accordance with requirements specified in 40 CFR 262.11(c) to the extent incorporated by reference in Title 25 Pa. Code §262a.10. This may be one of the following:
 - a. Laboratory analysis of the biosolids conducted in accordance with 40 CFR 261.24.
 - b. A report of industrial wastes discharged into the sewer system such as the one included in the annual report required in Title 25 Pa. Code §94.12.
 - c. If the items in 4.a. or 4.b. are not available, a signed certification (see Appendix 1 of the NOI Instructions) stating that the biosolids are not hazardous.
5. A description of the facility's operation and treatment used to stabilize the sewage sludge and meet pathogen and vector attraction reduction requirements.
6. A copy of the label or information sheet for biosolids that will be sold, given away or otherwise distributed as described in Section 271.911.
7. If a residual material, such as cement kiln dust, is being used to produce a biosolids product that is beneficially used, the residual materials must be authorized for beneficial use via a General Permit or be determined to be a coproduct as defined in §287.1 (referring to definitions) and meet the requirements under §287.8 (referring to coproduct determinations) or §287.9 (referring to industry-wide coproduct determinations) prior to mixing. If the residual

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material is approved for beneficial use via a General Permit, a copy of the General Permit authorizing the beneficial use of the residual material must be submitted with the NOI. If the residual material is considered a coproduct, then either a letter from DEP indicating concurrence with the coproduct determination or a detailed description of the residual waste to be used, its benefits to the biosolids product, and the required analyses and documentation necessary to verify the residual material meets the requirements of a coproduct must be submitted with the PAG-07 NOI.

8. For facilities located outside the Commonwealth, a copy of each permit listed in Block G (Compliance Review) of the NOI.

NOTE – In general, if the applicant submits an NOI form that is not the most current form, the application manager may deem any information that is missing a deficiency, at the application manager's discretion. If the NOI is not denied as a result, the application manager will notify the consultant or applicant that a more recent version of the NOI is available for future use.

- B. Follow the procedures contained in the SOP for Management of Late NPDES Permit Renewal Applications (BPNPSM-ENF-001) if the application is for a permit renewal and was received late.
- C. Complete the following data management tasks in eFACTS:
 1. Create, or otherwise review and edit, all Biosolids Treatment or Compost/Processing SFs listed in the NOI. Enter SF latitude and longitude.
 2. Review and edit the PF latitude and longitude, using the coordinates reported on the NOI or the central point of the site.
 3. Link all applicable SFs to the authorization record.
- D. If none of the criteria in A.1 – 8 are found to be deficient, the application manager will proceed to Step II H. No "completeness letter" will be issued.
- E. If the NOI is incomplete and the deficiencies are determined to be insignificant (i.e., an item that in the application manager's judgment can be corrected within one business day), the application manager will contact the applicant (or the applicant's authorized representative) by phone to explain the deficiency and offer the opportunity to submit the necessary materials informally by the end of the next business day to make the NOI 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.

NOTE – The application manager should attempt to communicate with the applicant directly. Where this fails, the application manager may attempt to communicate with the consultant, if any.

A phone log will be kept by each application manager that details 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 phone logs will be retained with the application file during and following permit issuance, or otherwise a database or spreadsheet will be used and made accessible to allow others to check latest correspondence for a case if the application manager is out of the office.

In the event the application manager is unable to contact the applicant or consultant by phone within 5 business days, the application manager will proceed to Step III F (for new NOIs) or Step III G (for renewal NOIs). 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

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NOI can then be considered complete, the application manager will then proceed to Step III H. If the submission does not correct the original insignificant deficiencies, the application manager will proceed to Step III F (for new applications) or Step III G (for renewal applications).

- F. For **new** NOIs, if the applicant fails to submit the requested information by the next business day following a phone call (or multiple attempts to contact the applicant or consultant by phone), or if the deficiencies are determined to be significant, the application manager will prepare a letter that denies the NOI, for the Program Manager's signature. The template in NMS found at *Letters – Application Denial Letter* will be used. The eFACTS authorization record will be closed out by using the disposition code "Denied." A subtask of "DENC" (Application Incomplete – Denied) will be entered into eFACTS against the Completeness Review Task, with start and end dates corresponding to the date of the letter. The NOI fee will not be returned. A new NOI fee will be required as part of a resubmission.
- G. For **renewal** NOIs, if the applicant fails to submit the requested information by the next business day following a phone call (or multiple attempts to contact the applicant or consultant by phone), or if the deficiencies are determined to be significant, the application manager will transmit a letter identifying the deficiencies. The template in NMS found at *Letters – Renewal Application Incomplete Letter* will be used. 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 letter.
- H. Enter an end date for the "COMPL" subtask, when the NOI is deemed complete.

III. Technical Review and Preparation of Permit (Application Manager)

Following completion of the Completeness Review, the application manager will conduct a detailed technical review and prepare the permit documents as follows:

- A. Enter a "DR" (Decision Review) subtask in eFACTS under the Technical Review task, with a start date corresponding to the date following the determination that the NOI is complete.
- B. Document the following on the "Administrative and Technical Review Checklist" for general biosolids permits. The technical review should be completed within 63 business days for BUS7 permits and 126 business days for BUS7O permits. A site visit may be conducted as needed.
 - a. Verify that the pollutant concentrations do not exceed limits in §271.914(b)(1) (Table 1 Ceiling Concentrations) and (b)(3) (Table 3 Pollutant Concentrations).
 - b. Verify that the correct analytical methods were used for the pollutant concentrations.
 - c. Verify that the pathogen reduction requirements have been met and that the correct analytical methods have been followed.
 - d. Verify that the vector attraction reduction requirements have been met and that the correct analytical methods have been followed.
 - e. Verify that the Hazardous Waste Determination has been completed, the correct analytical methods have been followed, and the sewage sludge is non-hazardous.
 - f. Verify that the sampling plan uses correct methods and sampling frequencies as described in the Biosolids Sampling Manual. Verify that the sampling plan has been followed and the samples collected are representative of the final product.

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NOTE – Application managers should review the sampling plan during the pre-application meeting, if possible and if one is held.

- g. Verify that all laboratories used for sample testing have the appropriate certifications in Pennsylvania.
- h. Conduct a compliance review for any unresolved violations in coordination with other programs in DEP if necessary. This may be done by using the NMS query found at *Violations – eFACTS – Open Violations by Client by Permit No.*

C. If necessary, transmit a technical deficiency letter.

1. In the event, upon completion of Step III B, the application manager determines that additional information is required or technical problems with the NOI exist, the application manager will determine whether the identified deficiency is significant or insignificant. In general, insignificant deficiencies are those that can be corrected quickly by the applicant (e.g., one day) so that only a minimal processing delay occurs.
2. If the deficiencies are determined to be insignificant, the application manager will contact the applicant and/or the project consultant by phone and request a response by the close of the next business day. A phone log will be maintained by the application manager 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) multiple 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. All deficiencies will be identified in the TD letter with appropriate cites to the statutory and regulatory obligation that the applicant failed to meet. The Section Chief and/or Program Manager will review the TD letter before it is sent out. The number of TD letters will be limited to one in most circumstances. The letter will request a response within 15 business days or a longer period of time at the application manager's discretion (as long as it does not exceed the processing deadline in eFACTS). 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 letter.
4. If the applicant responds to the TD letter within 15 business days or the alternative schedule, 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 III D. If the submission does not address the concerns in the TD letter, proceed to Step III C.5 unless the deficiency is insignificant and can be resolved quickly.
5. If the applicant fails to respond to the TD letter within 15 business days or the alternative schedule, 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) and brief the Section Chief on the circumstances.
6. If technical deficiencies remain following the Elevated Review Process and the decision is to deny the NOI, the application manager will enter a "DENT" subtask (App Technically Deficient – Denied) into eFACTS, using start and end dates for the "DENT" subtask corresponding to the date of the decision, enter end dates for the "SDN" and "ELEV" subtasks, and prepare a letter that denies the NOI for the Program Manager's signature. The denial will identify all deficiencies and the statutory and regulatory obligation that the

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applicant failed to meet. The authorization will be closed in eFACTS using the disposition code “Denied.”

D. Prepare final permit coverage approval documents.

NOTE – If there are unresolved violations associated with the applicant or facility that could, in the application manager’s, Section Chief’s and/or Program Manager’s judgment, be addressed most effectively through issuance of the permit to require implementation of measures designed to achieve compliance, approval of permit coverage may proceed despite the unresolved violations. Otherwise the permit should be held until compliance issues are resolved, and a subtask of “NC” (Non-Compliance Prohibits Final Decision) should be entered into eFACTS.

1. Application managers or administrative staff will print the PAG-07 General Permit template, which can be found in the Bureau of Point and Non-Point Source Management’s network folder at:

[\\pa.lc\epshares\sm\Planning & Permitting\Biosolids](#)

2. The application manager or administrative staff will develop and print a General Permit coverage approval letter.
3. The application manager or administrative staff will apply effective and expiration dates to the permit approval page.
 - a. For new permits, the effective date will be the date of coverage approval and the expiration date will be five years minus one day from the effective date.
 - b. For reissued permits, the effective date will be the day after the expiration date of the current permit, and the expiration date will be five years minus one day from the effective date.
4. The final authorization package will be assembled and provided to either 1) the Section Chief, for final review or 2) the Program Manager, at regions’ discretion.

IV. Final Decision (Program Manager)

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

- A. Review the final permit documents.
- B. Sign the final permit cover letter and the first page of the permit document if the Program Manager is in agreement with the content, or otherwise return the package to the application manager for edits.
- C. Submit the final, signed permit package to administrative staff or the application manager (at regions’ discretion).

V. Final Permit Processing (Administrative Staff or Application Manager)

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

- A. Enter effective and expiration dates for the permit into eFACTS.

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- B. Enter an end date for the “DR” subtask in eFACTS corresponding to the coverage approval date.
- C. Issue the authorization in eFACTS.
- D. Develop a posting for the PA Bulletin.
- E. Make copies, and mail the copies to the applicant, consultant, and other interested parties as applicable. Final permits will not be issued via Certified Mail.
- F. Transmit the case files to the regional file room.

Version History

Date	Version	Revision Reason
7/16/13	1.1	Updated Section III to indicate that incompleteness letters will be sent to permittees if a renewal application is significantly deficient.
2/14/13	1.0	Original