

**Standard Operating Procedure (SOP)<sup>1</sup> for Clean Water Program  
New and Reissuance MS4 Individual NPDES Permit Applications  
SOP No. BCW-PMT-004  
Final, November 9, 2012  
Revised, September 8, 2017  
Version 1.7**

This SOP describes the procedures by which the Clean Water Program will process applications for new and reissuance (renewal) MS4 individual NPDES permits. The authorization type covered by this SOP is “MS4I” (NPDES Pmt Stormwater Discharges from Small Muni Separate Storm Sewer Sys MS4, Individual).

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 MS4 individual permit applications **ARE NOT** part of the PDG.

All MS4 individual permit authorizations will receive a permit number of “PAIXXXXXX” (9 digits), even if a waiver request has been attached to the application, unless the MS4 permit was already assigned a number starting with “PA0,” in which case that permit number may be maintained.

The Clean Water Program will refer to existing guidance and the Bureau of Point and Non-Point Source Management’s Program Clarification Memo on Permit Coordination (March 5, 2013) when evaluating the need to coordinate issuance of individual NPDES permits with other permits.

It is noted that this SOP pertains primarily to Phase 2 (Small) MS4s. The permitting of Phase 1 (Large) MS4s requires additional considerations as specified in federal regulations.

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

For decision-making with respect to data management activities, administrative staff will follow the eFACTS Program-Specific Guidance for 92a NPDES Authorizations, Facilities and Fees.

When applications are received, administrative staff will promptly:

### **A. Create the authorization record in eFACTS.**

1. Select the proper auth type code and verify that the correct fee was submitted.

If it is determined that eFACTS contains the wrong fee category, or otherwise the fee category has changed, administrative staff will contact BCW to change the fee category in eFACTS. If it is determined that the wrong fee category was selected on the application, and therefore the wrong fee amount was submitted, administrative staff will follow the latest

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<sup>1</sup> **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. 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.

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version of Management Directive OAM-1000-01 (“Deposit of Fees, Fines, Penalties and Other Revenue”) to resolve the fee discrepancy.

**NOTE** – if an applicant was previously covered by the PAG-13 General Permit but now is required to obtain an individual permit, the fee for a renewal applies.

**NOTE** – for Chapter 92a authorizations, the selected auth type must match the fee category of the linked primary facility (PF) to allow issuance of the authorization.

**NOTE** – only the following clients are exempt from Chapter 92a permit application fees: DEP, EPA, PFBC, DCNR, PennDOT, Amtrak and Port Authorities. Any other applicant requesting a fee exemption must be referred to the Central Office Bureau of Regulatory Counsel for review.

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 application file. Where the fee has not been submitted, treat it as an underpayment in accordance with the Management Directive.
3. Select the proper application type (this SOP covers only NEW and RENEW), using the appropriate regional organization code. Where the client previously was covered by a General Permit and must now apply for an individual permit or the decision is otherwise made to convert the permit to an individual permit, the application type should be RENEW.
4. 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 PF. Assign the proper fee category to the PF.

**NOTE** – Where joint NOIs are submitted on behalf of multiple municipalities, one client must be chosen to enter for the authorization and PF in eFACTS. Administrative staff will follow the [SOP for eFACTS Data Management for Multiple Permittees](#) to document the receipt of joint applications

5. Enter the date the application was received (“Recvd”) and the date administrative staff creates the authorization (“Admin”) into eFACTS’ Application Screen.
6. If required by eFACTS to create the authorization, select the lead reviewer as the Section Chief. If the Section Chief identifies the application manager at this step, the assigned application manager may be selected for the lead reviewer.
7. Select the Master Auth or set the current authorization to be the Master Auth, as appropriate.
8. 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 application was received.

**B. Enter consultant information.**

If a consultant is identified on the application, 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.**

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1. Update PF Mailing Address (client address) and Location Address (site address) in accordance with the application, as necessary.
  2. Update the PF Kind to “Stormwater – Municipal” as necessary.
  3. Update the SIC or NAICS code for the PF per the application, as necessary, and identify one SIC and/or NAICS code as the “Primary” code. For municipalities, the SIC code 9199 may be used.
  4. Ensure the Client ID and Other ID of the PF are identical to those for the authorization, otherwise update the PF.
- D. Validate the Master Auth for the Water Management System (WMS) (if not done so previously), unless the current auth is the Master.
- If the current auth is not the Master Auth, ensure the Master Auth linked to the current auth has been validated for WMS already (otherwise, push the Master Auth to WMS).
- E. Mail a complete copy of the application to Erie County Health Department (ECHD), Allegheny County Health Department (ACHD), or Delaware River Basin Commission (DRBC) if applicable, unless administrative staff is aware that the applicant mailed a copy directly to those agencies.

**II. Prioritization and Assignment (Section Chief)**

Once Step I is completed by administrative staff, the application will be given to the Section Chief. The Section Chief will:

- A. Prioritize the application in accordance with the “Permit Review Hierarchy” contained in the PDG Policy. The Section Chief will note on the application file or a permit tracking sheet the hierarchy number as contained in the Policy.
- B. Assign an application manager (i.e., “lead reviewer”) to the application unless this has been done previously. The Section Chief will enter the name of the application manager into eFACTS for the authorization unless administrative staff has already completed this step.
- C. Optionally, route a copy of the application or a permit tracking sheet to Operations staff for a determination of non-compliance issues that may affect permit issuance.
- D. Notify the regional Late Application Coordinator if the application is for a permit renewal and was submitted late.

**III. Completeness Review (Application Manager)**

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

When the application manager receives the application from the Section Chief, the application manager will:

- A. Review the application for administrative completeness and overall technical adequacy. A complete and technically adequate application includes the following, not including the fee that is addressed in Step I:

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1. One original and two copies of the application form (3800-PM-BCW0200b).
2. One original and two copies of complete Waiver Application (3800-PM-BCW0100e), if submitted. If a waiver application is submitted, ensure that all questions are answered and the application is signed.
3. Complete storm sewer system map (existing permittees only).

**NOTE** – If an existing MS4 has new urbanized area as a result of the 2010 Census, and completion of all components of the storm sewer system map is incomplete for those new urbanized areas, this item can be considered complete.

4. Topographic map or storm sewer system map (new permittees and existing waivers only).
5. MOU or written agreement for third party MCM implementation (if applicable).

**NOTE** – This MOU or written agreement is necessary only when an MS4 indicates that a component of its stormwater management plan is being implemented by another party, and is separate from written agreements described below relating to joint PRP development.

6. Stormwater Management Ordinance (municipal applicants seeking renewed coverage only).
7. Stormwater Management Ordinance Checklist (3800-PM-BCW0100g) (if applicable).

**NOTE** – The submission of a Stormwater Management Ordinance Checklist is required only when the applicant has developed a customized ordinance that meets the requirements of the checklist. It is not required if the applicant indicates that a stormwater management ordinance has been enacted that is consistent with either the 2013 or 2022 DEP Model Ordinances or indicates that an ordinance has been enacted that is consistent with an Act 167 Plan approved by DEP in 2005 or later.

8. SOPs (non-municipal applicants seeking renewed coverage only).
9. Chesapeake Bay Pollutant Reduction Plan (PRP) (Appendix D) and/or Impaired Waters PRP (Appendix E), where required. If required, the application manager will ensure for the purpose of the completeness review that the PRP(s) contain the following:

- a. PRP public participation requirements – the PRP contains a copy of the public notice advertising the PRP, a copy of all written comments received from the public to the PRP, and a copy of the permittee's record of consideration of all timely comment received in the public comment period.
- b. PRP contains a map that identifies land uses and/or impervious/pervious surfaces and the storm sewershed boundary(ies) (note – this map may be combined with item #3 for existing permittees).
- c. PRP contains a section that describes the pollutants of concern.
- d. PRP contains existing load calculations for pollutants of concern.
- e. PRP selects BMPs to achieve the minimum required reductions in pollutant loading.
- f. PRP identifies funding mechanisms.
- g. PRP identifies responsible parties for operation and maintenance (O&M) of BMPs.

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- h. For joint PRPs, a written agreement amongst the parties is attached (if applicable).
10. TMDL Plan, where required. If required, the application manager will ensure for the purpose of the completeness review that the TMDL Plan(s) contain the following:
- a. TMDL Plan public participation requirements – the TMDL Plan contains a copy of the public notice advertising the TMDL Plan, a copy of all written comments received from the public on the TMDL Plan, and a copy of the permittee’s record of consideration of all timely comment received in the public comment period.
  - b. The TMDL Plan contains a map that identifies land uses and/or impervious/pervious surfaces and the storm sewershed boundary(ies) (note – this map may be combined with item #3 for existing permittees).
  - c. The TMDL Plan contains a section that describes the pollutants of concern.
  - d. The TMDL Plan contains existing load calculations for pollutants of concern.
  - e. The TMDL Plan identifies the applicable wasteload allocations.
  - f. The TMDL Plan includes an analysis of TMDL objectives (short and long-term).
  - g. The TMDL Plan selects BMPs to achieve the minimum required reductions in pollutant loading.
  - h. The TMDL Plan identifies funding mechanisms.
  - i. The TMDL Plan identifies responsible parties for operation and maintenance (O&M) of BMPs.
  - j. For joint TMDL Plans, a written agreement amongst the parties is attached (if applicable).

**NOTE** – Application managers will refer to the MS4 Requirements Table ([municipal](#) and [non-municipal](#)) and “[due dates report](#)” to determine whether or not PRP(s) and/or TMDL Plan(s) are required, and contact BCW for assistance as necessary. If an MS4 received an advanced waiver approval, the “due dates report” will not indicate that a PRP or TMDL Plan is required.

11. Complete application packages for each co-applicant (joint applications only).

**NOTE** – If an authority is named as the applicant on an application, the application manager must ensure that application packages are also submitted for the municipalities served by the authority. An authority may be a permittee, but only if the municipalities served by the authority are co-permittees. In other words, applications submitted by authorities must be joint applications. If the application manager is unsure of the municipalities served by an authority, the application manager may request the authority’s articles of incorporation or other documentation.

The application manager may optionally document the completeness review by utilizing the *Individual MS4s – Individual MS4 Permit Checklist* in WMS.

- 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:

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1. Create, or otherwise review and edit, all Discharge Point (DP) subfacilities (SFs). Enter or otherwise review and edit SF latitude and longitude. Snap DPs to the NHD using the NHD Locator Tool in eFACTS.
  2. Enter or otherwise review and edit the PF latitude and longitude, using the coordinates reported on the application or the central point of the MS4 area.
  3. Select, if necessary, the Type of Discharge (“Stormwater”) and enter the Design Flow for each DP (“0”).
  4. Link all applicable SFs to the authorization record.
  5. Validate the authorization in eFACTS for WMS.
- D. If none of the criteria in A.1 – A.11 are found to be deficient, the application manager will proceed to Step III G. 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. 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 NOI can then be considered complete, the application manager will then proceed to Step III G. If the submission does not correct the original insignificant deficiencies, the application manager will proceed to Step III F.

- F. 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 WMS found at *Letters – Renewal Application Incomplete Letter* will be used. A deadline will be established in the letter to correct the deficiencies, generally not to exceed 90 days. 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.

If a renewal NOI is satisfactorily corrected prior to the expiration date, the application manager will issue an administrative extension letter using the WMS template at *Letters – Administrative Extension Letter*. If the renewal NOI is not corrected prior to the expiration date, the application manager will notify the regional Operations Section for possible enforcement.

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G. Enter an end date for the “COMPL” subtask, when the NOI is deemed complete.

**IV. Technical Review and Preparation of Permit (Application Manager)**

Following completion of the Completeness Review, the application manager will review the application further for technical adequacy and prepare the permit documents. Applications will be reviewed in order of priority; in the event of a conflict, the matter will be resolved by the Section Chief.

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 application is complete.

B. For renewals, verify that an inspection has occurred in the past five years.

The application manager will review the Inspections file and/or run the WMS report at *Inspections & Inspectors – [Inspections Report](#)* to verify that an inspection has been done at the facility within the past five years. If not, the application manager will request that regional Operations staff schedule an inspection. The application manager does not, however, need to wait for the inspection to occur before issuing the permit.

C. Technical Reviews of PRPs and TMDL Plans – The technical review of PRPs and TMDL Plans is documented by completing the PRP Technical Review Checklist and the TMDL Plan Technical Review Checklist in WMS, respectively. If the plan is a combination PRP and TMDL Plan the application manager should generally use the TMDL Plan checklist. The following topic areas are evaluated during the technical review:

PRPs:

- Mapping;
- Pollutants of Concern;
- Existing Loading;
- BMP Selection;
- Funding Mechanism;
- O&M; and
- Joint PRP/TMDL Plan Agreements (if applicable).

TMDL Plans:

- Mapping;
- Pollutants of Concern;
- Existing Loading;
- Wasteload Allocations;
- Analysis of TMDL Plan Objectives;
- BMP Selection;
- Funding Mechanism;
- O&M; and
- Joint PRP/TMDL Plan Agreements (if applicable).

Where a significant deficiency is identified in either a PRP or a TMDL Plan, the application manager will transmit a technical deficiency letter by mail or email to the applicant and consultant(s), as applicable, in accordance with Step IV F.

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- D. Review of Other Application Components – Beyond verifying that required components of the NOI are present in accordance with section III.A, application managers will generally evaluate the appropriateness and accuracy of all submitted documentation. If the documentation is complete but does not fully address application or permit requirements, the application manager will make a determination on whether to issue a technical deficiency letter.
- E. Review of Waiver Applications – In general, if BCW has granted “advanced waiver approval” to an MS4, which has excused an MS4 from the need to develop a PRP, regional offices should evaluate the waiver application for consistency with the previous decision and approve the waiver. However, regional offices may deviate from this general procedure where the office has information that was not submitted to or was not available to BCW at the time the advanced waiver approval was granted.
1. If a waiver application is submitted and contains a copy of BCW’s advanced waiver approval, the application manager may conduct an independent review of the information leading to BCW’s decision. If the application manager agrees with BCW’s decision, the application manager may proceed to Step V. If the application manager disagrees with BCW’s decision, the application manager will document, in the appropriate checklist or fact sheet, the basis for the application manager’s decision. The decision is not final until the Section Chief and Program Manager concur with the decision.
    - a. If the applicant will be required to develop a PRP as a result of the decision, the Section Chief will transmit a letter to the applicant explaining the decision and providing the applicant no more than 180 days to submit a complete and technically adequate PRP.
    - b. If the applicant will not be required to develop a PRP as a result of the decision, the application manager may proceed to Step V. The cover letter for the final permit will contain an explanation for why the waiver application was denied.
  2. If a waiver application is submitted but BCW did not previously grant advanced waiver approval, the application manager will perform an evaluation of waiver eligibility utilizing the checklist located in WMS at *Individual MS4s – Waiver Review Checklist*.
- F. If necessary, transmit a technical deficiency 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 problems with the application or proposals therein, the application 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., one day) so that there is only a minimal processing delay.
  2. If the deficiencies are determined to be non-significant, 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 using the WMS template at *Letters – Technical Deficiency Letter* (if there are deficiencies other than with PRPs or TMDL Plans) or *Letters – MS4 PRP Technical Deficiency Letter* (if there are deficiencies with PRP(s)) or *Letters – MS4 TMDL Plan Technical Deficiency Letter* (if there are deficiencies with the



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TMDL Plan(s)), and provide a deadline by which to correct the deficiency(ies), generally not to exceed 90 days. The number of TD Letters will be limited to one in most circumstances, and will be issued prior to development of the draft permit. 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 by the deadline provided, or an alternative deadline if agreed to, 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 IV G. If the submission does not address the concerns in the TD letter, return to Step IV F.1.
5. If the applicant fails to respond to the TD letter by the deadline provided, or an alternative deadline if agreed to, or if the response fails to address the issues raised in the TD letter, the application manager will follow the procedures contained in the SOP for Compliance and Program Activities for Municipal Separate Storm Sewer Systems (MS4s).

G. Prepare the fact sheet.

1. Application managers will run the template found at *Fact Sheets – Individual MS4s*. Any information that is missing on the first page will be manually entered into the fact sheet template and into the appropriate location in eFACTS. The application manager will manually enter a brief written summary of the review in the block on the first page.
2. At this time, application managers will also run the WMS Report at *Violations & Enforcement – [Open Violations for Client](#)* to determine whether there are any unresolved violations associated with the client that will affect issuance of the permit (per CSL Section 609). If there are unresolved violation(s), they will be documented in the fact sheet. Review of the application will proceed, but the application manager will identify the violation(s) in the draft permit cover letter and indicate that the application may not be issued as a final permit if the violation(s) are not resolved.

H. Prepare the draft permit documents and issue the draft permit.

1. Mail a complete copy of the application to EPA Region 3 if the MS4 is considered a Phase 1 (Large) MS4. The application should be placed in the mail, if possible, a few days prior to the physical issuance of draft permits to coordinate arrival of the application with the receipt of the WMS email that notifies EPA of the electronic transfer of a draft permit through WMS. The application is the only hard copy information that will be mailed to EPA; all other relevant permit information will be transmitted electronically through WMS. Applications and permit documents for Small MS4s will not generally be transmitted to EPA.
2. Application managers will run the template found at *Individual MS4s – MS4 Permit* to generate the permit document. If warranted, additional Part C conditions may be added at the discretion of the application manager.
3. Application managers will run the template found at *Letters – Individual NPDES Draft Permit Cover Letter* to serve as the cover letter for the draft permit. The application manager will review the letter carefully to ensure that correct and appropriate facility names, abbreviations, salutations, and other information from eFACTS are used and make edits as needed.

If the WMS report identifies unresolved violations and the Operations Section is not developing an enforcement document to address the violations or a schedule to correct the violations is not contained in the draft permit, the application manager will select the optional paragraph named *Draft Permit Letter 3*, and manually enter information on the unresolved

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violations in the letter. This places applicants on notice that DEP may not be able to issue the final permit until the violations are resolved.

Other language may be added to the letter at the discretion of the application manager.

4. Application managers will run the WMS template found at *PA Bulletin Notices – Draft Permits – MS4s* to serve as the public notice for the applicant to post near the entrance to their premises.
5. These documents, along with the fact sheet, will be printed and be provided to the Section Chief. The application manager will sign the draft permit cover letter.
6. The Section Chief will review the fact sheet to ensure general conformance with the regulations and the content of this SOP. The Section Chief will sign the fact sheet if the Section Chief agrees with the content, or otherwise return the package to the application manager for edits. After the fact sheet is signed, the Section Chief will provide the permit package to administrative staff or the application manager for copying and data management.

**NOTE** – Application managers may not issue draft permits until the Section Chief signs the fact sheet.

7. Administrative staff or the application manager will complete the following:
  - a. A start date for the subtask “DP” will be entered in eFACTS for the Technical Review Task. The start date is the date of draft permit issuance.
  - b. All documents that will be issued as draft to the applicant will be set to a status of “Draft” and disposition of “Issued (Mailed)” in WMS. Documents that are not issued to the applicant will be set to a status of “Draft” and disposition of “Complete.”
8. The application manager will determine whether the applicant will receive a hard copy or electronic version of the draft permit package. In general, if there is an email address listed for the client on the GIF, the draft permit package should be sent electronically to the client. The consultant(s) for the project, if any, should receive a copy of the electronic transmission. Where applicable, DRBC, ECHD and ACHD may be copied on the email.
  - a. If a decision is made to transmit the draft permit package electronically to the applicant, all documents associated with the package should be transmitted electronically (i.e., one component of the package should not be emailed while others transmitted in hard copy).
  - b. If the package will be transmitted electronically, the application manager or administrative staff will open the draft permit cover letter, fact sheet, public notice, and draft permit document in WMS and save these documents as PDF to a local or network drive. A “DRAFT” watermark should be applied to the electronic draft permit document, which should then be removed for the final permit.

**NOTE** – A signature indicator (“/s/”) or a signature graphic should be placed in signature blocks for the electronic versions of draft permit cover letter and fact sheet prior to electronic transmissions to applicants.

- c. Application managers will transmit the email to the applicant and additional recipients generally using the language below for the email message.

“Dear \_\_\_\_\_,

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In response to the receipt of your NPDES permit application, the Department of Environmental Protection (DEP) has made a tentative decision to issue the permit. Attached to this email is the draft NPDES permit document, a fact sheet explaining the basis for DEP's tentative decision, a public notice for posting, and a cover letter to accompany the draft permit. DEP will take comments on this proposed action for 30 days following publication of the draft permit in the PA Bulletin. Please contact me at this email address or at the number below if you have any questions.

Sincerely,

[Signature]

**NOTE** – Alternatively, application managers may choose to use the cover letter language as generated through WMS in the email message and exclude the draft permit cover letter document attachment from the email.

**NOTE** – If a draft permit cover letter will be attached to the email, the words “VIA ELECTRONIC MAIL” will be manually added to the top of the letter, below the date.

The application manager will attach PDF versions of the draft permit cover letter, fact sheet, public notice, and draft permit document to the email.

- d. If the draft permit package is sent electronically, the application manager will set the email for “delivery receipt” (in Outlook select Options and check the box for “Request a Delivery Receipt”). If a delivery receipt email is not received within two business days, the application manager will communicate with the applicant (or consultant if applicant cannot be reached) by phone to confirm receipt of the draft permit package.
  - e. Draft documents (whether transmitted electronically or by hard copy) will be retained in WMS and a copy will be placed in the public file.
9. If it is determined that a hard copy of the draft permit package will be issued, the date of draft permit issuance will be stamped or manually entered onto the draft permit cover letter. The word “DRAFT” will be stamped on the draft permit document or a “DRAFT” watermark will be applied to the Word document.
  10. The notice that will be placed in the PA Bulletin will be prepared by the application manager or administrative staff and contain the elements required by 25 Pa. Code § 92a.82(b)(1)-(5).
  11. If it is determined that a hard copy of the draft permit package will be issued, one or more copies of the complete draft permit package, consisting of the cover letter, draft permit, fact sheet and draft permit notice for applicant posting will be made for mailing to the applicant, consultant, DRBC, ECHD, and ACHD, as applicable. One hard copy will be retained for the case file.
- I. Review applicant, EPA and public comments.
    1. Following the 30-day public comment period (or 45-day period if an additional 15 days is requested and granted), the application manager will review comments received from the applicant (or the applicant's consultant) and decide whether the draft permit should be modified in response to the comments. The application manager will consult with the Section Chief, Central Office and regional counsel, as necessary. If the permit will be issued, the applicant's comments will be addressed in the final permit cover letter. In general, Central Office should be contacted for assistance where comments concerning the standard (Parts A

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and B) language of the permit are made unless the application manager has experience in addressing similar comments.

2. The application manager will review comments received from EPA. According to the Memorandum of Agreement (MOA) with EPA, EPA has 30 days to comment upon, object to or make recommendations on draft permits.

If EPA has not issued comments to the application manager within 30 days of receipt of the WMS email that notifies EPA of the draft permit, or otherwise has not noted by means of a written general objection within 30 days of notification that EPA will be providing specific written grounds for objections to the draft NPDES permit within 90 days of notification, EPA has waived its opportunity to comment or object to the permit and the application manager may proceed to finalize the permit.

If EPA comments at any time up to issuance of the final permit, the application manager will address each comment (or recommendation) in writing after consulting with the Section Chief and/or Central Office, as determined necessary.

If, after responding to an initial comment or recommendation, EPA continues to request modifications to the permit that the application manager believes is unnecessary or inappropriate, the application manager will consult with the Section Chief and Central Office for resolution with EPA.

If EPA provides a written objection to a draft permit, the application manager will consult with the Section Chief and Central Office for resolution with EPA in accordance with 40 CFR § 123.44 regulations. This may include issuance of a revised draft permit to EPA and the applicant.

3. The application manager will review comments received from the public. If the Section Chief or Program Manager determine that there is “significant public interest” in holding a hearing, the application manager will coordinate with the regional community relations coordinator to schedule a public hearing and comply with Chapter 92a.83 concerning public notice. The subtask “PH” will be used in eFACTS to document the public hearing and enter a start date corresponding to the date the need for a public hearing was determined. Following the hearing and receipt of the hearing transcript, the application manager will prepare a Comment-Response document using the template in WMS at *NPDES Supporting Documents – Comment-Response*, attach it to the final issuance or denial letter, and copy all commentators on the letter. An end date will be entered into the “PH” subtask in eFACTS corresponding to the final permit issuance date. All commentators and the applicant will receive a copy of the Comment-Response document.

If public comments are received and a hearing is not held, the application manager will review the comments and decide whether the draft permit should be modified to address the comments and still conform to this SOP and regulations. If the final permit is modified in response to public comments or is denied, the commentators will be copied on the final permit package or denial letter. Otherwise, there will be no formal communication with commentators unless the application manager, Section Chief or Program Manager believe that separate correspondence should be issued to the commentators.

H. Decide whether to redraft the permit.

1. If the application manager decides to 1) make permit conditions more stringent or 2) make permit conditions less stringent where the application manager is aware there is public interest in the permit, a revised draft permit will be prepared and issued with a new public notice in the PA Bulletin. A revised fact sheet will be prepared to address the re-drafted

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permit. All previous documents in WMS will be retained to provide a historical record of the original draft documents.

2. If a draft permit is issued and then is not finalized for 6 months or more, and during this time standard permit language in WMS is modified in a way that would affect the permittee (the application manager will consult the Section Chief for this determination), the application manager will prepare and issue a revised draft permit with a new public notice in the PA Bulletin. All previous documents in WMS will be retained to provide a historical record of the original draft documents.
- I. Prepare final permit documents.
1. Application managers will enter an end date for the “DP” subtask 30 days following publication in the PA Bulletin.
  2. If there continues to be unresolved violations associated with the facility that could, in the 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, permit issuance may proceed despite the unresolved violations.
  3. Following the review of comments, and assuming there are no unresolved violations or the violations will be addressed as described in paragraph I.2, the permit will not be re-drafted and coordination is not necessary or complete, the draft permit in WMS will be opened, anticipated effective and expiration dates on page 1 will be entered and other minor modifications will be made, and uploaded to WMS as a new version. The application manager will then check the box for “Final” and select a status of “Pending.” Note that the effective date for individual permits must be the first day of the month following permit issuance. The effective date will not be set to a date in the past and, in general, will not be “post-dated” for the future.
  4. The application manager will generate the final permit cover letter using the WMS template at *Letters – Individual MS4 Final Permit Cover Letter*. The application manager will review the letter carefully to ensure that correct and appropriate facility names, abbreviations, salutations, and other information from eFACTS are used and make edits as needed. The application manager will change the status of the document to “Final” and keep the disposition at “Pending.”
  5. The application manager will generate a fact sheet addendum using the WMS template at *Fact Sheets – Addendum* to document comments received following issuance of the draft permit and any changes to the final permit. If the permit was modified in response to comments, the application manager will acknowledge this in the fact sheet addendum. The addendum will be signed by the application manager, Section Chief and Program Manager, and will be attached to the front of the original fact sheet for the file.
  6. All documents will be printed and assembled in the following order: 1) final permit cover letter and 2) final permit.
- The applicant’s consultant, if applicable, will be copied on the final permit and cover letter. DRBC will be copied if the facility is in the Delaware River watershed. ACHD and ECHD will be copied if the facility is located in those counties. If the permit was modified in response to public comments, the appropriate commentator will be copied.
- J. Record scheduled permit requirements into WMS.

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1. The application manager or other staff at the discretion of the Program Manager will record scheduled permit requirements into WMS, using the Permit Schedules tab. The requirement and the due date for the requirement will be recorded. The following requirements will be entered and saved, at a minimum:
  - MS4 – Submit Annual MS4 Status Report (due dates of September 30<sup>th</sup> for the next five years).
  - MS4 – Submit Final PRP Implementation Report for Appendix D (Chesapeake Bay PRP), where applicable (due date is September 30<sup>th</sup> following the end of the 5<sup>th</sup> year of permit coverage).
  - MS4 – Submit Final PRP Implementation Report for Appendix E (Impaired Waters PRP), where applicable (due date is September 30<sup>th</sup> following the end of the 5<sup>th</sup> year of permit coverage).
  - MS4 – Submit Final TMDL Implementation Report for Appendix F, where applicable (due date is September 30<sup>th</sup> following the end of the 5<sup>th</sup> year of permit coverage).
  - MS4 – Submit Stormwater Ordinance or SOP (for existing permittees the due date is September 30, 2022 to submit a new ordinance that satisfies the 2022 Model Ordinance; for new permittees the due date is September 30<sup>th</sup> following the end of the fourth year of permit coverage).
  - MS4 – Submit PCM Mapping for Appendix A, Appendix B and/or Appendix C, where applicable (for existing permittees the due date is September 30, 2019; for new permittees the due date is September 30<sup>th</sup> following the end of the second year of permit coverage).
  - MS4 – Submit PCM Source Inventory for Appendix A, Appendix B and/or Appendix C, where applicable (for existing permittees the due date is September 30, 2020; for new permittees the due date is September 30<sup>th</sup> following the end of the third year of permit coverage).
  - MS4 – Submit PCM Investigation Report for Appendix A, Appendix B and/or Appendix C, where applicable (for existing permittees the due date is September 30, 2022; for new permittees the due date is September 30<sup>th</sup> following the end of the fifth year of permit coverage).
  - MS4 – Submit PCM Ordinance for Appendix B, where applicable (for existing permittees the due date is September 30, 2018 if an ordinance already exists or September 30, 2022 if a new ordinance must be enacted; for new permittees the due date is September 30<sup>th</sup> following the first year of coverage if an ordinance already exists or September 30, 2022 if a new ordinance must be enacted; if ordinance is provided with application, this milestone is not needed).
  - MS4 – Submit Complete Storm Sewer System Mapping (MCM 3), where applicable (for new permittees the due date is September 30, 2022 or September 30<sup>th</sup> following the fourth year of permit coverage, whichever is later; for existing permittees this requirement should have been demonstrated as part of the application, except that existing permittees with new urbanized areas will have until September 30, 2022 or September 30<sup>th</sup> following the fourth year of permit coverage, whichever is later, to complete all mapping for new urbanized areas).
2. Other scheduled permit requirements may be entered into WMS for schedule tracking purpose as deemed necessary (e.g., permit renewal application due dates, etc.).

**V. Final Review (Section Chief)**

The Section Chief will complete the following tasks upon receipt of the final permit package:

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- A. Review the fact sheet addendum and final permit documents, and sign the fact sheet addendum if the Section Chief is in agreement with the content, or otherwise return the package to the application manager for edits.
- B. Verify that the minimum required documents from Step IV are in WMS as Final – Pending documents.
- C. Verify that any applicable permit coordination has been completed.

Where other DEP permits are required and a coordinated permit issuance is determined to be necessary, following the public comment period the Section Chief will notify the Program Manager and Assistant Regional Director that the NPDES permit is ready for issuance, and the application manager will enter a “CRR” subtask (B/E Coordinated Application Required) subtask into eFACTS, with a start date corresponding to the day after the end of the comment period and an end date on the date of final permit issuance when authorization is given to issue the permit.

- D. If there are unresolved violations associated with the facility, the Section Chief will discuss the matter with regional counsel and the Program Manager to decide whether the permit will be issued, will be denied, or whether issuance should be held for the development of an enforcement document. If issuance of coverage will be delayed for this reason, a “NC” (Non-Compliance Prohibits Final Decision) subtask will be entered under the Technical Review task.
- E. Submit the final permit package to the Program Manager.

**VI. Final Decision (Program Manager)**

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

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

**VII. 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. Open the permit document in WMS, enter the issuance date on Page 1, apply a signature indicator (“/s/”) on Page 1, and ensure that the correct effective and expiration dates are on Page 1.
- B. Change the status of the final permit cover letter, final permit and all other documents that will be part of the final permit package issued to the applicant from “Pending” to “Issued (Mailed).” Change the status of documents that are not part of the final permit package from “Pending” to “Complete.” Ensure there are no documents in the list with a status of “Pending”.

**NOTE** – Annual report templates will not be issued with the permit because it is expected that MS4s will utilize an electronic reporting system.

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- C. Enter an end date for the “DR” subtask in eFACTS corresponding to the issuance date.
- D. Issue the authorization in eFACTS.
- E. Make copies, and mail the copies to the applicant, consultant, ECHD, ACHD and DRBC, as applicable, with a copy to Central Office Division of Operations and other appropriate staff. In general, final permits will not be issued via Certified Mail.
- F. Generate and save the PA Bulletin listing for the final permit issuance using the appropriate template in WMS.
- G. Transmit the case files to the regional file room.



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**Version History**

<b>Date</b>	<b>Version</b>	<b>Revision Reason</b>
9/8/2017	1.7	Revised SOP to conform to expectations for individual permit applications received under new guidelines for the permit cycle beginning in 2018.
12/1/2014	1.6	Added clarification to Section IV C concerning TMDL Strategies. Removed guidance in Section IV G.3 concerning the need for 5 requests for a public hearing.
10/11/2013	1.5	Added Section IV J to indicate that MS4 compliance schedules will be recorded using NMS.
8/15/2013	1.4	Updated Section IV F relating to issuance of draft permits to specify that fact sheets prepared to support draft permits will be sent to applicants with other draft permit documents. In addition, procedures for electronic transmission of draft permit documents have been introduced.
7/16/2013	1.3	Updated Section II to indicate that the Section Chief will notify the regional Late Application Coordinator if a permit renewal application has been submitted late. Updated Section III to indicate that incompleteness letters will be sent to permittees if a renewal application is significantly deficient.
3/7/2013	1.2	Added a reference to the Program Clarification Memo on Permit Coordination in the introduction, and removed the requirement for Section Chiefs to verify coordination requirements in Section II before the completeness review. Revised the SOP to call for the use of a technical deficiency letter for renewal applications only, in lieu of denial, when applications are considered significantly incomplete.
12/28/2012	1.1	Clarified in Section I A.2 that if a fee is missing, it should be treated as an underpayment in accordance with the Management Directive.
11/9/2012	1.0	Original