

**Standard Operating Procedure (SOP) for Erosion and Sediment Control General Permit
(ESCGP-1 and ESCGP-2)
Review of Notices of Intent (NOIs) by Department Staff Only
Draft, October 18, 2012**

This SOP describes the procedures and work flows associated with the review of Notices of Intent “applications” for ESCGP-1 or ESCGP-2, processed by the Department from receipt of the application from the applicant to final Department action. This SOP does not apply to County Conservation District processed NOIs. The SOP is organized sequentially by activities that will be completed. The functional roles that are responsible for the activity are identified with the name of the activity. This SOP is intended to comply with the *Policy for Implementing the Department of Environmental Protection Permit Review Process and Permit Decision Guarantee* (Doc. ID 021-2100-001) (PDG Policy).

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

A. When new or major amendment applications are received, administrative staff will:

1. Date Stamp the submission.
2. Determine whether the NOI was submitted under the expedited review process or the standard review process.
3. In eFACTS, locate or create the client and site records, then create the authorization record, using the authorization (Auth) types and application (Appl) types listed below that are covered by the PDG policy;

Auth. Code	Authorization Description	Appl. Code	Permit Type
ESCGPX	Expedited Erosion and Sediment Control General Permit	AMEN	Expedited ESCGP
		NEW	
		TRAN	
ESCGP	Erosion and Sediment Control General Permit	AMEN	ESCGP
		NEW	
		TRAN	

4. Assign the permit number according to specific program guidelines for permit number assignment;
5. Enter the proper dates for application received, and accepted in eFACTS;

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. 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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6. Assign the Permit Chief as the initial lead reviewer;
7. Create the site in accordance with program guidance as necessary;
8. If a major amendment, ensure the authorization has been linked to the original Master Authorization;
9. Process application fees, if applicable, according to department wide guidelines and using eFACTS abbreviated user guides; and
10. Enter the received date as begin date for the **AC** - Administrative Completeness Review subtask under the Completeness Standard Task in eFACTS.

II. Coordination, Prioritization and Assignment of Application Manager (Permits Chief)

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

- A. Assign an application manager (i.e., technical staff, previously known as “lead reviewer” in eFACTS) to the application. The Permits Chief will enter the name of the application manager into eFACTS for the authorization unless previously done under Step I.4.
- B. Under direction of the Regional Manager or District Oil and Gas Manager, prioritize the application in accordance with the “Permit Review Hierarchy” contained in DEP’s Policy (DEP Doc ID # 021-2100-001). ESCGP-2 authorizations may be considered necessary for the protection of public health, safety or the environment from imminent threats, or be considered necessary for economic development projects that create jobs and enhance communities depending upon the individual project circumstances.
- C. Determine whether coordination with other applications is required in accordance with **Permit Coordination Policy** (DEP Doc ID # 021-2000-301).

III. Completeness Review (Application Manager, aka Lead Reviewer)

A completeness review is required for ESCGP-2. The review should be conducted within 10 business days. The review shall include the following:

- A. The Application Manager will utilize the NOI Administrative Completeness Checklist to ensure all required items have been submitted. If all required items have been submitted, the Application Manager will utilize the Technical Guides and any program specific guidelines including the NOI Instructions for evaluating that the items are sufficient for conducting a technical review.
- B. If the applicant requested an expedited review, the Application Manager should evaluate the submission to ensure that it is eligible for the expedited review process.
- C. If the application contains deficiencies that are determined to be minor, the application manager after consultation with the Section Chief and Program Manager will contact the applicant or consultant by telephone to explain the deficiency and offer the opportunity to submit the necessary materials informally before the Completeness Review deadline expires to ensure the Department has all the information necessary to determine compliance with Chapter 102. The Application Manager may follow-up after the phone call with an email to the applicant and/or consultant. Questions regarding the scope of the project or project area are considered minor deficiencies.

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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 logs should be retained with the application file. Alternatively, a database or spreadsheet may be used and made accessible to others to allow others to check latest correspondence in a case if the Application Manager is out of the office.

In the event the Application Manager is unable to contact the applicant by phone before the completeness review deadline, the Application Manager will proceed with Step III.E below.

- D. If the applicant submits the requested information and the requested information meets the requirements for a complete application, the Application Manager shall record the appropriate dates in eFacts. If the project is eligible for an expedited review or the applicant did not request and expedited review, proceed to Step IV.

If the applicant requested an expedited review and the project is not eligible for an expedited review, the Application Manager shall prepare an Acceptance letter explaining the reason that the expedited review is not available and provide information pertaining to the Permit Decision Guarantee timeframes. The processing time for the application does not begin until the application is deemed complete by the Application Manager.

The applicant can check the status of their permit at the following DEP web link: <http://www.ahs2.dep.state.pa.us/eFacts/default.aspx>.

- E. If the applicant originally failed to submit the required application information, if the submittal contents are not of sufficient soundness or if the minor deficiencies were not addressed within the completeness review time frame (10 business days), the Application Manager will enter the **SDN** - Send Deficiency Notice/Receive Response subtask under the Completeness Standard Task and will transmit an incompleteness letter to the applicant. The incompleteness letter will also indicate that the permit decision guarantee timeframes are no longer applicable. In accordance with 25 Pa. Code § 102.6(c), the applicant shall have 60 days to provide the information necessary to complete the application and address any completeness deficiencies.
- F. If the applicant fails to respond within 60 days or the information is not sufficient to address the deficiencies and the Department has not granted an extension in accordance with 25 Pa. Code § 102.6(c), the Application Manager will notify the applicant in writing that the application is incomplete and considered withdrawn in accordance with 25 Pa. Code § 102.6(c). The Application Manager will enter the end date for the **AC** – Application Completeness Review subtask under Completeness Standard Task, enter the subtask of **DENC** - Application Incomplete – Denied in the Completeness Review Task, with start and end dates corresponding to the date of the letter and close out the Completeness Task. The Application Manager will then close the authorization in eFACTS using a disposition of **WITH** - Withdrawn. The application fee will not be returned. If the Applicant's response is adequate and is within the 60 day response period, an Acceptance Letter will be prepared as is III.D above.
- G. If the applicant chooses to amend the application and resubmit the package, following program requirements and procedures, the Department will treat the resubmitted package as a new application. No fees will be returned and new fees will be required.

IV. Technical Review (Application Manager)

Once Step III is completed by the Application Manager, the Application Manager will:

- A. Enter a start date for the **ER** - Engineering Review subtask under the Technical Review standard task in eFACTS.

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- B. Conduct the technical review in accordance with program guidelines and regulatory requirements. The Application Manager should refer to the NOI Instructions and Technical Guides as well as the ***Erosion and Sediment Pollution Control Program Manual*** (DEP Doc ID # 363-2134-008) and the ***Pennsylvania Stormwater Best Management Practices Manual*** (DEP Doc ID # 363-0300-002) when conducting technical reviews of erosion and sediment control plans, post construction stormwater management/site restoration plans or other portions of the NOI package. Application Managers should not rely on personal preference or opinion or regional interpretation of statute, regulation or guidance that is inconsistent with the Department's statewide interpretation.
- C. If the application is technically inadequate, the application manager will, 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 there are technical problems with the application or proposals therein, the Application Manager, in conjunction with Permit Chief and Program Manager will make a determination on whether the deficiency is minor or not. In general, minor deficiencies are those that can be corrected quickly by the applicant (e.g., one day).
 2. If the deficiencies are determined to be minor, the Application Manager will contact the applicant and/or the project consultant by telephone and request a response by the close of the next business day. A record of all such conversations will be kept in the phone log described in Step III(C). A follow-up email may be transmitted at the application manager's discretion.
 3. If a) the minor 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 in conjunction with Permit Chief and Program Manager determines that the deficiencies are not minor, the Application Manager will prepare a Technical Deficiency (TD) Letter. The number of TD Letters will be limited to one in most circumstances, unless the project is determined to be a complex project under the PDG Policy. The letter will request a response within 60 days in accordance with 25 Pa. Code § 102.6(c). The letter will inform the applicant that the Permit Decision Guarantee timeframes are no longer applicable and at the discretion of the Application Manager, offer an opportunity to the applicant to meet and discuss the deficiencies. The Application Manager will enter a subtask of **SDN** - Send Deficiency Notice/Receive Response into eFACTS with a start date corresponding to the date of the letter.
 4. If the applicant responds to the TD letter within 60 days, the Application Manager will enter an end date for the **SDN** subtask in eFACTS corresponding to the date the submission was received, review the submission. If the submission addresses all the issues raised in the TD letter, proceed to Step V.
 5. If the applicant fails to respond to the TD letter within 60 days, or if the response fails to address the issues raised in the TD letter, the Application Manager will enter a subtask of "**ELEV**" (Elevated Review Process) and brief the Permit Chief on the circumstances. The Permit Chief will brief the program manager on the circumstances. The Program Manager will proceed in accordance with the PDG Policy.
 6. If following the Elevated Review Process the decision is to deny the application, the Application Manager will enter a **DENT** - App. Technically Deficient – Denied subtask into eFACTS, enter start and end dates for the **DENT** subtask corresponding to the date of the decision, enter end dates for the **SDN** and **ELEV** subtasks, prepare a letter that denies the application and close the authorization in eFACTS using the disposition code **DENI** - Denied.

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7. If following the Elevated Review Process the decision is to allow an additional technical deficiency response, return to Step IV (C) and proceed.

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

Once Step IV is completed by the Application Manager, or otherwise in concert with Step IV, the following will be completed, within the specified authorization's processing days:

- A. The Application Manager shall complete their Record of Decision;
- B. The Application Manager or administrative staff will generate either a draft denial letter or a draft acknowledgement of coverage letter;
- C. The Application Manger or administrative staff will generate a project description according to program guidelines for publication in PA Bulletin.
- D. The application manager or administrative staff will print the documents, assemble the package, and submit the package with the application to the Permits Chief. The package will include a sign-off from the Application Manager on a permit tracking sheet.
- E. The application manager will enter an end date for the ER subtasks in eFACTS to close out the Technical Review standard task.

VI. Completion of Technical Review (Permits Chief)

Once Step V is completed by the Application Manager, the Permits Chief will:

- A. Briefly review the application and completed permit documents;
- B. Review the Record of Decision(s) and sign off on or override recommendation of technical staff with explanatory comments;
- C. Sign the permit tracking sheet and submit the final permit package to the Program Manager.

VII. Final Decision (Program Manager)

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

- A. Briefly review the Record of Decision(s) and completed permit documents, acknowledgement or denial letter;
- B. Sign the acknowledgement of coverage letter and the permit documents or denial letter; and
- C. Sign the permit tracking sheet and return the final, signed documents to administrative staff.

The Permits Chief may sign the acknowledgement of coverage letter, permit documents or denial letter at the Program Managers discretion.

VIII. Final Permit Processing (Administrative Staff)

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

- A. Ensure that effective and expiration dates are on the permit document;

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- B. Enter the disposition status and date for the authorization in eFACTS;
- C. Submit notice to publish the action to ***PA Bulletin*** according to Department guidelines;
- D. Make copies of the acknowledgement of coverage letter, and mail the documents to the appropriate recipients. The acknowledgement of coverage letter will not be sent via Certified Mail; and
- E. Transmit the case files to the appropriate file room.