

**Standard Operating Procedures for
Processing Municipal and Residual Waste
Minor Permit Modification Applications for
Landfills, Resource Recovery Facilities,
Transfer Stations, and Processing and
Composting Facilities**

Bureau of Waste Management



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Table of Contents

<u>Section</u>	<u>Page Number</u>
I. Receipt of Application	2
II. Correspondence with the Applicant	3
III. Coordination and Prioritization	3
IV. Completeness Review	3
A. Review of Application	3
B. Complete Application	4
C. Incomplete Application.....	4
V. Technical Review	5
A. Review of Application	5
B. Review Public Comments.....	6
C. Technically Complete Application.....	6
D. Technically Deficient Application.....	6
E. Elevated Review Process.....	7
VI. Permit Decision	8
A. Application Meets Permit Decision Guarantee	8
1. Approval of Application	8
2. Denial of Application.....	9
B. Application Does not Meet Permit Decision Guarantee	10
VII. Post Decision	10
VIII. Attachment 1: Standard Operating Procedures for Settlement Accommodation Plan	11
IX. Figure 1: Minor Modification Application Review Procedure	15

Standard Operating Procedures (SOPs)¹ for Processing Permit Applications

Municipal and Residual Waste – Minor Permit Modifications for Landfills, Resource Recovery Facilities, Transfer Stations, and Processing and Composting Facilities

This SOP describes the procedures by which staff in the Waste Management Program will conduct administrative reviews and technical reviews of applications for minor permit modifications for landfills, resource recovery facilities, transfer stations, and processing and composting facilities. The procedures herein describe the Bureau’s process for management of minor permit modification applications in accordance with the Policy for Implementing the Department of Environmental Protection’s (Department) Permit Review Process and Permit Decision Guarantee, 021-2100-001, and Policy for Permit Coordination, 021-2000-301.

All minor permit modification applications listed in Appendix A of the Permit Review Process and Permit Decision Guarantee (PDG) Policy, 021-2100-001, are subject to this SOP and the timeframes specified in the following table:

Table 1

Application Type	Total Processing Time (in business days)
Landfill	143
Resource Recovery	100
Transfer Station	100
Processing and Composting	100

Please note that the Processing Time for an application does not begin until the application is accepted as “Complete”. See Figure 1, attached, for a diagram of the permitting process for minor modifications.

¹ DISCLAIMER: The process and procedures outlined in this Standard Operating Procedure (SOP) are intended to supplement existing requirements. Nothing in the SOP shall affect regulatory requirements.

The process, procedures and interpretations herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in this SOP that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

- I. Receipt of Application:** When applications are received staff will:
- A. Stamp the application with the date received.
 - B. Create the authorization record in eFACTS.
 - 1. Select the proper authorization type code and verify that the correct fee was submitted.
 - 2. Select the proper application type using the appropriate regional organization code.
 - 3. Associate the proper client address (PF) and site address to the project/authorization.
 - 4. Enter the date the application was received.
 - 5. Enter or review/update Primary Facility (PF) and Sub Facility (SF) details.
 - 6. Assign an Application Manager to the application, and enter the Application Manager as the lead reviewer. If an Application Manager has not been assigned, enter the Permits Chief as the lead reviewer.
 - 7. If a consultant is indicated on the application and the consultant already exists as a “client” in eFACTS, enter the consultant’s information on the “Consultant” tab of the authorization record. If the consultant does not have a client record in eFACTS, create a client record for the consultant. When creating a new client record for a consultant and the “client type” (i.e., corporation, individual, etc.) is not known, select “other” from the menu.
 - C. Copy the check (application fee) and attach the copy to the application with the account information redacted. The original check should be processed in accordance with the latest version of Management Directive OAM-1000-01, *Deposit of Fees, Fines, Penalties and Other Revenue*.
 - D. Give the application package to the Permits Chief.

II. Correspondence with the Applicant: All written and verbal correspondence with the Applicant should be documented and retained in the application file in accordance with the Department's applicable Records Retention and Disposition Schedule and Management Directive 210.5, *The Commonwealth of Pennsylvania State Records Management Program*, including copies of letters and emails to and/or from the Applicant. Discussions during face-to-face meetings should be documented in meeting notes or minutes. All documentation should be retained with the Applicant's file and made accessible to other Bureau staff to allow others to check the latest correspondence in cases where the Application Manager, or other assigned staff, is out of the office.

III. Coordination and Prioritization: Upon receipt of an application, the Permits Chief or assigned staff will:

- A. Determine whether coordination with other applications is needed in accordance with the Department's Policy for Permit Coordination, 021-2000-301. Note on the application file or permit tracking sheet whether permit coordination is needed so that the Application Manager is aware of needed coordination.
- B. Prioritize the application in accordance with the "Permit Review Hierarchy" contained in Section II.B of the Department's Permit Review Process and Permit Decision Guarantee Policy, 021-2100-001. Note the hierarchy number, as contained in the Policy, on the application file or permit tracking sheet.
- C. Route the application to the assigned Application Manager.

IV. Completeness Review: Completeness Reviews will be conducted in accordance with Section 271.202 of the Municipal Waste Regulations, 25 Pa Code §271.202, or Section 287.202 of the Residual Waste Regulations, 25 Pa Code §287.202, whichever is applicable.

- A. Review of Application: Upon receipt of an application from the Permits Chief, the Application Manager or other assigned staff will:
 - 1. Review the application based on the prioritization assigned to the application.
 - 2. Review the application for administrative completeness, as determined based on the permit application checklist. A complete application includes the following:

- a. All forms indicated on the appropriate application checklist were submitted with the package, including the appropriate number of copies. All applicable sections of the application must be completed. If a section is not filled in and the Application Manager believes it is not applicable to the facility, the application may be considered acceptable.
 - b. All necessary attachments to the forms.
 - c. The appropriate application fee.
3. Review the application for technical adequacy. A technically-adequate application should contain the necessary information, maps, fees, and other documents, and said items should be of sufficient detail for a technical review of the application to be conducted, as described in the Department's Policy for Permit Review Process and Permit Decision Guarantee, 021-2100-001.
 4. Review the application to determine whether an adjustment to the facility's bond is necessary in accordance with Section I. of the "Standard Operating Procedures for Reviewing Financial Assurances" document.
- B. Complete Applications: When an application is determined to be complete based on Section IV.A, above, the Application Manager or other assigned staff will:
1. Prepare and send an Acceptance Letter explaining the technical review process and identifying any other required permits. The letter should also contain information regarding the PDG timeframe for the application.
 2. Update the eFACTS record to note that the application was determined to be complete. eFACTS will begin recording the processing time for the application.
 3. Proceed to Section V (Technical Review).
- C. Incomplete Applications: When an application is determined to be incomplete based on Section IV.A above, the Application Manager or other assigned staff will:
1. Within 60 calendar days (42 business days), prepare a letter notifying the applicant that the application is incomplete, in accordance with 25 Pa Code 271.202(d), or 287.202(d), whichever is applicable. The letter should identify the specific information, maps, fees, and documents that are necessary to make the

application administratively complete and technically adequate, and provide a deadline to respond. The applicant's response is required within 90 calendar days (63 business days) of the date of the deficiency letter.

2. If the applicant fails to provide the information, maps, fees and documents within 90 calendar days of receiving the notice of incompleteness, deny the application in accordance with 25 Pa Code §271.202(e), or §287.202(e), whichever is applicable.
 - a. Prepare a letter for the Program Manager's signature that denies the application as incomplete. The letter must specify where the application is deficient, including specific applicable regulatory and statutory citations.
 - b. Close out the eFACTS authorization.
3. Upon receipt of additional information, the Department will determine if the application is complete based on the criteria in 25 Pa Code §271.202, or 25 Pa Code §287.202, whichever is applicable, and Section IV.A above.
4. If the submittal of additional information is not sufficient to make the application complete, the application will be denied in accordance with paragraph IV.C.2, above.

V. Technical Review: Following the completeness review, staff will begin the technical review process based on order of priority. Any conflicts that arise will be resolved by the Permits Chief and Program Manager. If a resolution cannot be produced, the Regional Director, Assistant Regional Director and/or Bureau Director will be consulted, as necessary.

A. The Application Manager will coordinate the following:

1. Review the application to ensure the application contains all necessary scientific and engineering information, as well as project design, to address appropriate specific regulatory and statutory requirements. A technical review of the application may include the following:
 - a. Evaluation of siting criteria and existing conditions, which may include a site visit.

- b. Review of each application form, attachment and drawing for compliance with applicable regulatory and statutory requirements.
 2. Verify permit coordination needs.
- B. Public Comments: If public comments have been received or significant public interest is expected, the Application Manager will:
 1. Review the comments.
 2. Determine whether the application should or may be modified to address the comments.
- C. Technically Complete Applications: When the application is determined to be technically complete, the Application Manager will proceed to Section VI (Permit Decision).
- D. Technically Deficient Applications: When an application is determined to be technically deficient, the Application Manager will:
 1. Prepare a technical deficiency letter and send to the Applicant. The letter should:
 - a. Specify where the application is deficient, including citations of the specific statute(s) and/or regulation(s) that the application failed to meet.
 - b. Notify the Applicant that PDG is voided.
 - c. Inform the Applicant of any appropriate public concerns.
 - d. Offer the Applicant an opportunity to meet and discuss the deficiencies.
 - e. Include a deadline for submitting a response.
 2. Enter a subtask of "SDN" (Send Deficiency Notice/Receive Response) into eFACTS with a start date corresponding to the date of the technical deficiency letter.
 3. Proceed with one of the following categories:
 - a. If the Applicant submits a response to the technical deficiency letter within the prescribed deadline, and based upon the information received, the

application can be considered technically complete, the Application Manager will:

- i. Enter the date the applicant's response was received into eFACTS.
 - ii. Proceed in accordance with Section VI (Permit Decision).
- b. If the Applicant fails to respond within the prescribed deadline, or if the submittal of additional information is not sufficient to make the application technically complete, the Application Manager will:
- i. Enter the date the applicant's response was received into eFACTS.
 - ii. Proceed to paragraph E, below (Elevated Review Process).
- E. Elevated Review Process: Once the elevated review process is initiated, it must be completed within 15 business days. The Bureau Director and/or Deputy Secretary may be contacted in regard to any conflicts that arise during the elevated review process.
1. The Application Manager will immediately:
 - a. Notify the Permits Chief and Program Manager that the elevated review process is necessary.
 - b. Enter the start date of the elevated review process into eFACTS.
 2. Upon notification from the Application Manger, the Program Manger or Permits Chief will:
 - a. Notify the Regional Director of the need for elevated review.
 - b. Arrange a time to discuss the details and deficiencies of the application with the Regional Director.
 - c. Agree on a direction in which to proceed in regard to a permit decision with all involved staff. A face-to-face meeting with all involved staff and the Applicant and the consultant(s) may be necessary to discuss the technical deficiencies of the application and proceed with a permit decision. If a meeting is necessary, the Program Manager or assigned staff will schedule the meeting with the Applicant and consultant(s) and all involved staff.

- d. If the meeting results in a resolution, the Regional Director may provide the Applicant with an additional 10 business days to submit a response that addresses the technical deficiencies contained in the application and meet all regulatory and statutory requirements.
 - e. If the Applicant fails to provide a response that is sufficient to make the application technically complete within the additional 10 business days provided, or if a resolution cannot be reached, the deficiencies will be elevated to the Bureau Director, who will have 15 business days from the day of first notification, to provide direction on the application in regard to a permit decision. The elevated review process will receive the highest priority by the Bureau Director. Assistant Regional Directors or appropriate Bureau Division Chiefs may substitute for the Bureau Director when necessary in order to meet the 15 business day deadline.
3. The Application Manger or assigned staff will enter the end date of the elevated review process into eFACTS.
 4. Proceed to Section VI (Permit Decision).

VI. Permit Decision: For applications included in PDG, the technical review must be completed and a permit decision must be made within the processing time identified in the Table 1 of this SOP. Based on the outcome of the technical review, the Department will proceed with one of the following categories:

A. If the Department has not surpassed the PDG processing time or PDG is void, the application will be approved or denied as follows:

1. Approval of Application

If the application is determined to be complete and adequately demonstrates that it meets all applicable regulatory and statutory requirements with no remaining deficiencies, the permit modification is recommended for approval. The Application Manager or assigned staff will:

- a. If the application was determined to require a bond adjustment during the completeness review (paragraph IV.A.4), follow the procedures outlined in

Section II. of the “Standard Operating Procedures for Reviewing Financial Assurances” document.

- b. Prepare a draft permit modification with conditions as appropriate for the requested modification.
 - c. Provide the draft permit to appropriate staff for review and comment. Review internal comments and modify the draft as appropriate.
 - d. Send the draft permit modification for review, if requested by the Applicant. Review any comments on the draft modification submitted by the Applicant and revise the draft permit modification as appropriate.
 - e. If permit coordination is needed, hold the permit application for coordination with all other permit applications in accordance with the Department’s Policy for Permit Coordination, 021-2000-301.
 - f. If permit coordination is not needed or once permit coordination requirements are met, issue the permit modification.
 - g. Proceed to Section VII (Post Decision).
2. Denial of Application

If the application contains technical deficiencies after two technical reviews; the required bond is not submitted, approved or executed and the determination is made during the elevated review process that the application should be denied; and/or the Applicant cannot meet all applicable statutory and regulatory requirements, the application will be recommended for denial. The Application Manager or assigned staff will:

- a. Notify the Program Manager, Assistant Regional Director and Regional Director, as appropriate.
- b. The Application Manager will prepare a letter, for the Program Manager’s signature, that denies the application. The letter will:
 - i. Specify where the application is deficient, including specific applicable regulatory and statutory citations.

- ii. Copy the appropriate program staff, Regional Director, Legal Staff, and if applicable, the host county and municipality.

Note: The application fee is not returned for applications that are denied. If the Applicant chooses to amend and resubmit the application, following appropriate Municipal and Residual Waste Program requirements and procedures, the resubmitted application is treated as a new application.

- B. If the Department fails to meet the PDG processing time and PDG is still valid:
 1. A decision on the application is prioritized as the next actionable application within the Municipal and Residual Waste Program.
 2. The Program Manager and Regional Director will have five (5) business days to make a permit decision.

If the five (5) business day timeframe is not met, a meeting with the Secretary of the Department is scheduled to determine why the deadline was missed.

- a. If the application is determined to be complete and meets all applicable regulatory and statutory requirements with no remaining deficiencies, the permit modification is approved following the steps in Section VI.A.1 (Approval of Application), above.
- b. If it is determined that the application does not meet all applicable regulatory and statutory requirements or has remaining deficiencies, the permit modification is denied following the steps in Section VI.A.2 (Denial of Application), above.

VII. Post Decision: After a permit decision has been made, the Application Manager will:

- A. Enter the appropriate disposition and end dates in eFACTS.
- B. Transmit the case files to the Program's file room.

VIII. Standard Operating Procedures for Settlement Accommodation Plan (SAP)

The following outlines the procedures for a landfill operator to submit a request for a minor permit modification to allow for settlement accommodation to permitted landfill grades. The department reserves the right to require a major modification, additional safeguards, or facility improvements for facilities that have odor, leachate management, stormwater, landfill gas management, or other related issues. These additional requirements may be imposed by the department prior to or in conjunction with the submission of the Settlement Accommodation Plan (SAP), after its submission, or as a condition of its approval. Permit modifications should be submitted to the department's appropriate regional office. If the operator fills beyond the permitted SAP plan grades or is experiencing other significant compliance issues, the department may suspend the operator's approval to operate under a SAP.

- A. The SAP shall be prepared by a PA-licensed Professional Engineer (PE).
- B. The SAP shall include the following:
 - 1. Narrative explaining the SAP.
 - 2. A plan view of the affected area, including locations of settlement monuments, if any;
 - 3. Drawings with sections spaced at intervals no larger than 100 feet within the affected area, showing the following:
 - a. Bottom of waste grades and elevations (this should account for original bottom of waste grades in "piggybacking" scenarios).
 - b. Existing grades and elevations.
 - c. Permitted grades and elevations.
 - d. Boundaries of the "landfill overfill area." A "landfill overfill area" would be defined by the permittee and would be a geographical section of the facility, typically larger than a cell.
 - e. Proposed "overfilled" grades and elevations.

- f. Proposed “overfilled” grades and elevations at 1 year and every 2 years thereafter until final permitted elevations are met or 5 years after final waste acceptance within the “landfill overfill area.”
 - g. Cross sections shall identify composition of waste (waste type, if known).
 - h. Cross sections shall identify median age of waste in layers no larger than 20 feet (in thickness).
4. Settlement calculations accounting for age, thickness, density, moisture conditions, and composition of waste. If settlement data exists, such data shall be provided in cross section and considered in the settlement calculations. Calculations shall show the predicted settlement (elevations) at 1 year and every 2 years thereafter until final permitted elevations are met or 5 years after final waste acceptance within the “landfill overfill area,” so that the rate can be tracked and validated based on the proposed settlement accommodation period and capping schedule at the facility.
5. A slope stability analysis that considers the additional height of waste and steeper waste grades proposed in the SAP. If temporary and/or permanent capping is proposed along with or after the implementation of the SAP, such that capping materials are proposed for deployment over slopes steeper than those analyzed and approved in the original permit, a veneer stability analysis shall be conducted and submitted with the SAP. The stability analysis shall demonstrate that industry-accepted safety factors for global and veneer stability are achieved.
6. A capping schedule that illustrates the proposed areas to be capped, approximate proposed capping dates (by year) for each area, approximate proposed dates (by year) each area will reach “overfill” grade, and approximate proposed dates (by year) each area is predicted to reach permitted final grade.
7. An illustration and computation of the amount of waste that can be disposed of as a result of the settlement accommodation (i.e., capacity lost if not for the SAP).
8. Statement expressly stating that the operator will adjust grades to the permitted grades prior to capping, and that the capping schedule submitted with the SAP shall be adhered to unless a modified SAP and capping schedule are submitted and approved by the Department. The annual operations report (AOR) shall be the method through which SAP progress/performance is reported to the department. Modifications to the SAP and

capping schedule shall be submitted in conjunction with the AOR (refer to item C, below).

- C. The AOR shall contain a SAP update, including: narrative; drawings, if applicable; calculations concerning the status of the settlements realized relative to those proposed in the SAP; and a validation of the assumptions/estimates used in the SAP. Proposed versus actual settlement must be shown on 100-foot cross sections, successively each year. If changes in grades included in the SAP or the capping schedule are necessary, a minor permit modification must be submitted and approved by the department. Updates to the SAP and capping schedule shall be provided within the AOR based on the annual topographic survey and capacity report provided within the AOR. The bonding update shall consider the SAP.
- D. Temporary and Permanent Capping:
1. Operators may install temporary caps in overfilled areas, if approved by the department as a minor permit modification. If temporary caps do not meet the prescribed regulatory performance standards, they will not be approved for permanent capping or conversion to permanent capping.
 2. If temporary caps are installed (e.g., exposed geomembrane caps [EGC]) that meet the prescribed regulatory performance standards (properties after exposure, if EGC), they may be converted to permanent capping systems after permitted grades are attained if done in accordance with the approved SAP and capping design approved in the permit. The department will not require a permit modification for this scenario. However, the operator must demonstrate to the department that the properties of any previously exposed geosynthetics conform to performance standards prior to placement of cover material.
 3. Operators may install permanent caps meeting prescribed regulatory design requirements on overfilled areas if provided for in the approved SAP. If the subject areas do not settle to the permitted grades in accordance with the schedule set forth in the approved SAP, the operator must rectify the grades (e.g., cover and waste removal) and reinstall the permanent cap system, or receive approval from the department to modify the SAP schedule with appropriate justification and bonding.

E. SAP Limitations:

1. During landfill operations, an operator of a landfill with an approved SAP design may exceed the 33% maximum grade limitation on the outer slopes of the landfill that will eventually represent final grade slopes to allow for settlement to occur, but shall not exceed 40%. Interim slopes in areas that exceed final permitted slopes may exist for up to 5 years following final waste acceptance in a landfill area if the operator can demonstrate that stormwater, landfill gas and leachate are managed in accordance with the respective stormwater, landfill gas and leachate management plans approved in the permit.
2. During landfill operations, an operator of a landfill with an approved SAP design may exceed final permitted elevations to allow for settlement to occur, but shall not exceed final permitted elevations by more than 10% of the total permitted waste thickness in that area. For computations, the total waste thickness may include waste that was deposited in underlying non-Subtitle D-compliant/non-PADEP-conforming landfill cells (i.e., for "piggy-backed cells"), but shall not include the proposed additional waste thickness afforded by the SAP. The operator shall demonstrate with supporting engineering analyses that the permitted final elevations will be achieved within 5 years after final waste acceptance within a landfill overfill area. Elevations that exceed final permitted elevations may exist for up to 5 years, or a shorter time if required by the permit, following final waste acceptance in a landfill area. Calculated bond amounts shall be consistent with the SAP and associated capping schedule.

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