Permit Review Process & Permit Decision Guarantee

Department of Environmental Protection
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Dial-in number for audio is: 1-877-668-4493
Access code: 649 617 646
Today’s Speakers

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Agenda

1. Review of Chapter 105 Dam Safety and Waterway Management Rules and regulations
2. Standard Operating Procedures (SOPs) for Permit Applications
3. Questions & Comments

Note: WebEx Technical Support is available at 866-229-3239
• 5 SOPs (to date) for Chapter 105 related authorizations

• Others will be added soon (e.g., Submerged Lands License Agreements (SLLAs) and other DEP processed General Permits)

• SOPs are available on DEP website

• SOPs are not static documents

• PRP/PDG Policy contains a list of PDG permits and authorizations handled by Chapter 105 Programs
• Authorization/application types covered by PDG:
  – New applications for a Dam Safety Permit for new dams, Water Obstruction and Encroachment Permit, and Environmental Assessment for waived activities, dam related activities, and 401 water quality certifications.
  – New General Permits processed by DEP (Nos. 5, 11, and 15)
  – New General Permits processed by CCD (No. 5)
General Steps in SOPs

• **Step 1**: DEP receives application, enters it into eFACTS, and processes check

• **Step 2**: Permits Chiefs prioritize application for review

• **Step 3**: Application managers (permit reviewers) conduct a “Completeness Review”

• **Step 4**: Application managers conduct a “Technical Review” for complete applications only
General Steps in SOPs (cont’d)

• **Step 5**: Application manager prepares final permit package

• **Step 6**: Permits Chief reviews final permit package and transmits to Program Manager for review

• **Step 7**: Program Manager makes a final decision, and the final action is published in PA Bulletin
• **Step 1:** DEP receives application, enters it into eFACTS, and processes check

Potential Issues:
- Incorrect application fee submitted
- Incorrect application form submitted
- Incorrect or unclear information on form (e.g., client and site information, addresses, etc.)
• **Step 3**: Application manager (permit reviewer) conducts a “Completeness Review”

**Potential Issues:**

- Required attachments and supplementary information not included with application
- Signatures and seals not on applications, plans, reports, etc., where required (e.g., P.E.)
- Application is not completed as specified in the instructions
• If application is not complete, application manager will determine if the issue(s) are “significant” or “insignificant”

• Significant deficiencies – **Deficiency letter – 60 days**
  • Example – did not include mitigation plan

• Insignificant deficiencies – **phone call**
  • Example – forgot to submit Act 14 notices
  • Generally, if the issue can be corrected in one business day, the deficiency will be considered insignificant
Potential Issues

• **Step 4**: Application manager conducts a “Technical Review” for complete applications only

Potential Issues:

- Conflicting information in application
- Design significantly deviates from recognized standards
- Regulatory requirements were not met
If deficiencies are identified during the technical review, the application manager will determine if the issue(s) are “significant” or “insignificant”

- Significant deficiencies – **Technical Deficiency Letter**
  - Example – a dam design is not in accordance with applicable regulations

- Insignificant deficiencies – **phone call**
  - Example – there are minor differences between an Engineer’s Report and design plans
Potential Issues

- **Step 5**: Application manager prepares final permit package

Potential Issues:
- Submerged Lands License Agreement required.
- Flowage easements required.
- Financial Responsibility requirements not met.
Potential Issues

- **Step 6:** Permits Chief reviews final permit package and transmits to Program Manager for review

Potential Issues:
- Coordination with other permits
- Unresolved violations
Elevated Review Process

• How could an application reach this stage?
  • Inadequate or untimely response to a technical deficiency letter

• You may be contacted for a face-to-face meeting to discuss resolution of application issues

• Possible outcomes:
  • Permit is issued
  • Permit application is denied
Tips for a Smooth Permitting Experience

• For complex projects, contact the appropriate office to schedule a pre-application meeting

• Follow the checklists and instructions within each permit application package in DEP’s eLibrary system

• Do not hesitate to contact DEP for assistance and clarification of application requirements

• Ensure information is consistent throughout the application, plans, etc.
“Permit Queue”

• A major priority of the Chapter 105 Program until July 2013 is to make decisions on applications received prior to July 2012 Executive Order

• There are several hundred applications in the queue

• You may receive a letter requesting a response to deficiency letter(s) issued in the past so that timely decisions can be made
Other Important Information

• Your application may be tracked by going to DEP’s home page (www.dep.state.pa.us), selecting “Tools” and then “eFACTS”

• For assistance locating your application, contact DEP’s Help Desk at 717.705.3768

• To locate your appropriate regional office, go to DEP’s home page and select “Regional Resources”
For more information, visit www.dep.state.pa.us

Click on the Permit Decision Guarantee button.
Questions?